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## AMERICAN QUARTERLY REVIEW.

No. I.

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MARCH, 1827.

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### ART. I.—AMERICAN BIOGRAPHY.

- 1.—*An American Biographical and Historical Dictionary, &c.* By WILLIAM ALLEN, A. M. Cambridge, (Mass.) 1809.
- 2.—*A Biographical Dictionary, containing a Brief Account of the First Settlers, and other Eminent Characters in New-England.* By JOHN ELIOT, D. D.
- 3.—*Delaplaine's Repository of the Lives and Portraits of Distinguished Americans.* Philadelphia. 1817.
- 4.—*Biography of the Signers of the Declaration of Independence.* By JOHN SANDERSON. 6 vols. Philadelphia. 1820-4.
- 5.—*Biographical Sketches of eminent Lawyers, Statesmen, and Men of Letters.* By SAMUEL L. KNAPP. Boston. 1821.
- 6.—*A New American Biographical Dictionary; or, Remembrancer of the Departed Heroes, Sages, and Statesmen of America.* Compiled by THOMAS J. RODGERS. Third edition. Easton, (Penn.) 1824.

WE do not know that better ideas of the true nature and excellence of BIOGRAPHY are any where to be found,—much as has been written on those topics—than in Dryden's *Notice of Plutarch*, prefixed to the version of Plutarch's *Lives*, which was published in London near the end of the seventeenth century, and on which *forty-one* translators had been

employed. The great master of the English idiom, infused into his sketch of the greatest of ancient biographers, and, perhaps, the most useful of ancient authors, much of the spirit and originality of conception and expression, that distinguish his prose even more than his poetical compositions. In a few pages, he makes the reader well acquainted with the gifted and learned Chæronean, whose "Lives" were said to have parallels, but his own none; and who was one of the three or four "intelligences" that redeemed the Bœotians from the universal reproach of being "gross feeders and fat-witted, brawny and unthinking—just the constitution of *heroes*, cut out for the executive and brutal business of war."

Dryden took advantage of the occasion, to trace the lines of distinction between History, properly so called, Commentaries or Annals, and Biography or the Lives of particular men; and to mingle pointed precepts for the management of each of those important branches of human instruction. "Truth of matter, method, and clearness of diction," are his laws of History; of which, however, the first has been so frequently and notoriously violated, that, though it may still be "philosophy teaching by examples," and "a pleasant school of wisdom," it has been declared to be, more than half, sheer romance, *Fables Convenues*, by principal actors in scenes of public life, who have judged from instances within their own practical knowledge. And it has been further adulterated, and rendered liable to wider perversion, since mighty geniuses have made it the basis, or chief ingredient, of narratives, bearing the titles of novels or tales, with an arbitrary combination of interests, characters, events, and passions, not, indeed, always, or even generally improbable and irrelevant, but wholly or in part fictitious, according to the fancy and design of the moment. In every lettered nation, the poets of old had used this license abundantly; the Greek and Roman annalists related with equal gravity fable and fact; and now the masters of the pen, and other seekers of fame or fortune that are not masters, seize emulously upon some critical or pregnant era, some remarkable vicissitude, some definite or curious stage, in the race of a people, as the groundwork of a medley of their own, more or less ample or various, with a new tincture and peculiar influence. If the fashion should endure and extend, scarcely any signal portion or theatre of the human drama, which has been considered as simply real, will escape this kind of sophistication; the more absolute, because it must be more popular than the professed matter of fact production.

*Biography* neither has nor could experience the treatment



just mentioned, in the same degree; though, in not a few cases, the poets, the novelists, the dramatists, and even the historians, have *romanced* it outrageously: and we do not allude here only to such as Homer, Herodotus, Xenophon, Plutarch himself, Herodian, Virgil, Livy, Tacitus, Suetonius, Shakespeare, Milton, Ariosto, Voltaire, Florian, &c. The *dii minorum gentium*, secondary wits in the world of letters, have taken up specially individuals of the illustrious or memorable dead, to give them adventures, designs, exploits, which it never pleased Providence to assign them, and which they might never have been pleased to choose for themselves. Should it become the rage to subject "the lives of particular men" to the loom of the novelist, no surprise ought to be felt when those of Cotton Mather, or Ezra Stiles, for example, or William Penn, or Whitfield, or Chief Justice Ellsworth, or Henry Laurens, undergo the plastic process. Columbus, Captain John Smith, Pocahontas, Washington too, are already novel and stage worthies. Adams, Jefferson, Patrick Henry, Theophilus Parsons, nay, probably, our present generation of statesmen, divines, and lawyers, and warriors, will experience the same fate.

*Auto-biography* has come into extraordinary vogue; but, as it is prepared now-a-days, it is open to suspicion, stronger and more pervading than that which, for obvious reasons, had ever clung to it.—We read with much less of incredulity, Philip de Comines, Froissart, and Monstrelet, than the modern French auto-memoirs, not excepting those of the fair sex, whether of Me. Roland, Me. D'Epinay, the Margravine of Bareith, or Me. de Genlis, with all their *naïveté* of recital and confession. As to sentiments, intentions, habits, and opinions, we sadly distrust Hume, Gibbon, and even Bishop Watson:—to the theatrical heroes, like Kelly, Reynolds, and O'Keefe, we hardly know when to yield credit, but are sure that they very often invent and embellish.

Of American auto-biography, there is very little that is regular and formal, but it were well if more existed, because we should then possess, along with a moderate share of erroneous representation, colouring, and judgment, a number of authentic and material particulars, which cannot be readily obtained from any other source. There is no dearth, indeed, of personal narratives connected with the settlements of the old and new states and territories, and with the Indian wars and the Revolutionary contest:—we confess, as to these, our inability to "hold each strange tale devoutly true," while we are willing to concede as much as most other confiding and patriotic souls do, to American enterprise, courage, hardihood, fortitude,

dexterity, agility, and so forth; and are aware that many must be the magnanimous undertakings, the singular feats, the terrible rencounters, the hair-breadth escapes, the protracted privations, the extreme trials of both the flesh and the spirit, incident to the exploration and conquest of western wilds, and the strife with their savage tenants, whether biped or quadruped.

To return to Dryden,—for a purpose not foreign to our subject.—He thus speaks of Biography:

“In dignity, it is inferior to history and annals, as being more confined in action, and treating of wars and counsels, and all other public affairs of nations, only as they relate to him whose life is written, or as his fortunes have a particular dependance on them, or connexion with them. All things here are circumscribed, or driven to a point; so as to terminate in one. Herein, likewise, must be less of variety for the same reason; because the fortunes and actions of one man are related, and not those of many. Biography, however, though circumscribed in the subject, is more extensive in the style than the other two, for it not only comprehends them both, but has somewhat superadded, which neither of them have. The style of it is various, according to the occasion. There are proper places in it for the plainness of narration, which is ascribed to annals; there is also room reserved for the loftiness and gravity of general history, when the actions related shall require that manner of expression. But there is withal, a descent into minute circumstances, and trivial passages of life, which are natural to this way of writing, and which the dignity of the other two will not admit. There you are conducted only into the rooms of state; here you are led into the private lodgings of the hero: you see him in his undress, and are made familiar with his most private actions and conversations. You may behold a Scipio and a Lælius gathering cockle-shells on the shore; Augustus playing at bounding stones with boys; and Agesilaus riding on a hobby-horse among his children. The pageantry of life is taken away; you see the poor reasonable animal as naked as nature ever made him—you are made acquainted with his passions and his follies, and find the demi-god, a man.”

All who acknowledge that biography does differ, specifically, from history, must see, like ourselves, the justness of the foregoing discrimination; and those who are conversant with the “Lives” produced of late years, whether in America or Europe, must know how little it has been regarded in general. Your modern biographer is very far from treating of wars and counsels, and all other public affairs of nations, only as they relate to his hero; or confining himself to the fortunes and actions of *one* man. He embraces almost every contemporary public concern, event, and character, of chief importance;—

he traces pedigrees, and heralds genealogical merits; he prefixes an historical introduction, and happy it is, if his retrospect do not extend to the Deluge, or sweep over the civilized world. He rarely leads you into the private lodgings of the hero—never places before you the poor reasonable animal, as naked as nature made him; but represents him uniformly as a demi-god. For examples of the several mistakes and exorbitances which we have here indicated, we may specify such works as the *Life of Lord Nelson*, by Clarke; that of the younger Pitt, by the Bishop of Winchester; Marshall's *Life of Washington*; Johnson's *Sketches of Greene*; Barton's *Life of Rittenhouse*; Tudor's *Life of James Otis*; Wirt's *Patrick Henry*—all of which contain valuable materials, misplaced however, in good part, and serving to overlay or obscure the individuals designated in the title-pages.

Biography has another less comprehensive form, in set panegyrics, common to antiquity and modern times. In our country, this has been more frequently used, and more extravagantly abused, than in any other. We do not derive it from Great Britain:—among the nations of the European continent, it has been reserved chiefly for learned and religious associations:—with us it is so far peculiar, as the employment of it is so much more promiscuous and widely diffused, and characterised by more pompous and luxuriant rhetorical exaggeration. In no other nation has it happened, that when a great man died, his eulogy was publicly and solemnly pronounced by more than one orator. Here, scores, or hundreds, severally ply the task, vying with each other in magnificence of unqualified praise, and carefully avoiding whatever might expose or argue error in the conduct, or infirmity in the nature, of the matchless defunct. The just man is, indeed, made *perfect*, and “*faultless monsters*,” maugre the assertion of the Poet, have become more common than black swans.

In British literature, Middleton's *Life of Cicero*, is, doubtless, the best specimen of historic biography; and so admirable is the book, that no one should wish it, supposing that it could have been suitably rendered, other than it is. The Roman has had a better lot in British hands, than any domestic orator or statesman. There is no life of either of the Pitts, or of Fox, Burke, or Sheridan, which does them justice, or the world in relation to them—none that would bear a comparison with the specimen just mentioned. The United States have produced, as yet, no work of the kind, which can be styled classical: nor has our literature been enriched with any superior model of that species of biography, which consists in exhibiting the cha-

xacter, career, and objects of the individual, principally by his correspondence or conversation. England boasts several such, with which most American literati are familiar. Boswell's Johnson is *sui generis*—unrivalled and inimitable. A part of its plan may have been borrowed from Xenophon's ἀπομνημονεύματα Σωκράτους, which, in the good English translation by a lady, bears the title *Memoirs of Socrates*, and which, whether properly so called or not, possesses, in our opinion, the highest biographical and philosophical interest.

We have quoted, at the head of this article, the titles of several works, which embrace, as biographical records, the largest number of American names of any celebrity. It must be admitted, that, in their contents, the reader finds much which is curious, valuable, and authentic; but it is equally true, that he finds no small quantity of chaff with the wheat; and, in a variety of instances, has to lament the want of such details, as throw the strongest and most agreeable lights on character and conduct. *Allen's Biographical Dictionary*, the first named, is the best of the description in our literature, and yet far from being complete; or otherwise what could be desired, with reference to the whole Union. The author took great pains to be accurate and full;—he enables his readers to resort to the manifold sources of information which he indefatigably explored; and he has proved a very useful auxiliary to inquirers. A large portion of his matter, however, can be attractive only to the New-England race:—the book superabounds with clergymen, whose labours and qualities were either trite or jejune. Dr. *Eliot's* volume is confined to New-England worthies, and its merits and defects are like those just stated. We have been informed that he sincerely regretted its appearance, on account of the many errors, especially in dates, which escaped the observation of an ignorant proof-reader, to whom it was committed without his knowledge. *Delaplaine's Repository* is beautiful in the exterior, and has not been duly estimated as to its intrinsic value. The zealous and worthy proprietor, now numbered with the dead, obtained access to genuine information:—most of the sketches are well written:—their subjects deserve to be known. If the design could have been accomplished, a splendid literary monument would have remained. Of the Biography of the Signers of the Declaration of Independence, we may say, that the enterprise, though so far unequally executed, deserves the patronage which it has enjoyed, and bids fair to be carried to completion. Looseness of style, and unnecessary repetition of historical narratives and political reflections, are the faults with which some of the later volumes



must be taxed. Generally, it consists of contributions from the surviving connexions of the noble band to whom it is devoted. A certain number of the lives will, unavoidably, be meagre, while others are replete with fine and instructive examples of patriotism and talent, piquant anecdote, and remarkable cases of personal adventure. Neither praise nor censure is properly due even to the third edition of the Dictionary prepared by Mr. Rodgers, and signalized by a formal and earnest recommendation from the present governor of Pennsylvania, in one of his annual messages. The few really original sketches introduced into it, do not suffice to render it more desirable than the antecedent dictionaries from which it was chiefly compiled. Besides these, and other similar works, we could enumerate many distinct lives, either in separate volumes, or prefixed to the works of American authors, which may be perused or consulted with advantage. The stock of American biography is, in fact, large,—if not precious in the literary workmanship. We have mentioned Tudor's *Life of Otis*, as too comprehensive; but that performance has various claims to public and lasting esteem. The *Life of Josiah Quincy*, by his distinguished son, is another production in this department, not indeed artificially wrought, yet excellent in the pattern of civic and domestic worth which it exhibits, and in its general effect upon the American reader, for whom we can conceive nothing more exciting and exalting, than these memorials of such glorious spirits as James Otis, Josiah Quincy, Samuel Adams, and their principal associates in patriotic energy and devotion. This observation may be extended to the career of Richard Henry Lee of Virginia, as it has been exhibited by his grandson, in the *Memoir* published last year in Philadelphia. There are extant, moreover, in various shapes and repertories, a multitude of authentic biographical notices, that have never been collected into dictionaries, of the warriors of the Revolution, and the most conspicuous commanders, naval and military, in the second war with Great Britain. Not a few of those notices are ably executed, and furnish the best records of the scenes in which their subjects acted.

The host of northern divines have been abundantly celebrated by their colleagues, disciples, or friends. Their parentage; education; youthful studies and dispositions; evangelical and erudite labours; sermons ordinary, election, ordination, installation, thanksgiving, funeral, and farewell; diaries and prayers; are all noted with affectionate precision. Portraits are prefixed to the lives of some, which, we must confess, gaze in dismal variance with the fond delineations of their mild and

benevolent tempers. From visages so grim or stern, or sour or starch, you might infer terribly morose and proscriptive natures. We almost recoiled from the effigies of President Stiles, (a truly good man, nevertheless;) that of President Edwards, the profound metaphysician, is not more lovely; nor does the head of Dr. Hopkins make a softer impression than do the grisly portraits of general Washington and general Jackson on the country sign-posts. Such lives, however, as those of Edwards, in the Worcester edition of his works, of eight octavo volumes; of President Stiles, by Abiel Holmes; of Hopkins, by himself; of Johnson, (first president of King's College, New-York,) by Dr. Chandler; have been to us peculiarly interesting and instructive. They supply curious and animating specimens of a numerous race of subtle theologians and godly pastors, endemic in the eastern division of our Union; men who preached unweariedly "with acceptance," and wrote with fullness and power; who rendered themselves, by indefatigable application, towering scholars—biblical, classical, and oriental; whose labours, in the closet and the pulpit, were alike racy, quaint, fervent, and as prodigious in quantity as singular in tone and spirit. A number of them won, by their books and domestic renown, the highest academical honours from European universities; corresponded familiarly and amply with the most eminent divines and savans abroad; and have been duly registered in the most esteemed foreign biographical publications. There is much, to be sure, which we do not relish, in their prejudices and invectives respecting religious tenets and sects different from their own; in their copious narrative of pious illapses and sensations; and in their occasional mysticism, and knotty, ponderous disquisitions; but, after all, it is impossible not to yield them the credit of simple sincerity and firm rectitude, and to be struck with the vigour of their abilities and resolution, and the variety and scope of their attainments.

The secret of the merit last mentioned, lies not merely in the circumstance carefully recorded by their biographers—that most of them were "happy in wives, who relieved them from economical cares," but in their invariable economy and methodical distribution of *time*; a system, by which and its results, we are reminded of the marvellous scholars, "the monsters of literary achievement," who flourished in Europe in the sixteenth and seventeenth centuries. The famous physician and inexorable student, Fernelius, when advised to allow himself a little relaxation, answered, that *death* would give him

leisure enough to rest. Ursinus inscribed on his mansion a Latin address, which has been thus translated—

“Friend, whosoe’er you be  
That come to visit me,  
Make quick despatch and go away,  
Or labour with me, if you stay.”

Cotton Mather wrote over his door, in capital letters,—*Be short*. Few visitors would have been willing to labour with such gatherers and distributors of recondite knowledge as the generations of Mather and Edwards. They too often, it is true, mooted questions purely speculative, and exhausted their learning and ingenuity in controversial metaphysics and theology—but this was the propensity of their times, descended through several ages, and likely, we fear, to be transmitted and cherished further down than the present. To cure the evil, it might, however, seem enough, to glance at the history of the debates which agitated Christendom, during the period when it was a subject of wide contention—“whether a society *entirely composed of true Christians*, and surrounded by other nations, either of infidels or worldly minded Christians, would be able to preserve itself.”

Resort must be had to the dictionaries, and separate lives, which we have indicated, in order to obtain a competent notion of the multitude of sermons and polemical tracts, which have been issued by American clergymen, north of the Susquehannah, and particularly in New-England; and of the number of lawyers, and other laymen, who have taken public part in theological discussions and disputes. It is calculated that hardly a clergyman has lived in Connecticut, within the last seventy years, who has not printed at least one sermon. We do not venture to disclose our estimate of the whole mass of this species of product throughout New-England. The various toils of the pastors and teachers, seem to have been favourable to longevity; for the proportion of them is not small, who passed forty or fifty years in the ministry, and never suffered their pens to lie fallow for a day: *Nulla dies sine linea*. Increase Mather was a preacher sixty-six years; he commonly spent sixteen hours a day in his study; and his sermons and other publications bore a natural ratio to that allotment. His son, Cotton Mather, was even more laborious and prolific. His biographers aver, that no person in America had read so much as he:—and it is recorded in his diary, that in one year he preached seventy-two sermons, kept sixty fasts, and twenty vigils, and *wrote fourteen books*. His pulpit discourses were

"equal in length to those of his brethren," which, as he himself informs us, usually went a good way into the second hour. His publications amounted to three hundred and eighty-two; some of them being of huge dimensions. John Higginson, in his "Attestation to the Church History of New-England, by the Endeavour of Cotton Mather," boasts that no less than *ten* of the Mathers were serving the Lord and his people in the ministry of the gospel of Christ. Cotton was a shrewd and sage counsellor, as the following advice, which he gave to his son, on the art of preserving mental tranquillity, will attest.

"It may not be amiss for you to have two heaps; a heap of *unintelligibles*, and a heap of *incurables*. Every now and then you will meet something or other that may pretty much distress your thoughts; but the shortest way with the vexations will be to throw them into the heap they belong to, and be no more distressed about them. You will meet with some unaccountable and incomprehensible things, particularly in the conduct of many people. Throw them into your heap of *unintelligibles*; leave them there. Trouble your mind no further; hope the best, or think no more about them. You will meet with some unpersuadable people; no counsel, no reason, will do any thing upon the obstinate, especially as to the making of due submissions upon offences. Throw them into the heap of *incurables*; leave them there. And so do you go on, to do as you can, what you have to do. Let not the crooked things that cannot be made straight, encumber you."

The father of Jonathan Edwards—"the Coryphæus of modern divines," doctissimus et θεολογικός, —the Reverend Timothy, died in the eighty-ninth year of his age, having been a minister for sixty. Jonathan rose at four o'clock every morning, spent thirteen hours every day in his study, indited his sermons in full, for nearly twenty years after he began to preach, and reached the figures 1400 in numbering his miscellaneous writings. Eighty-two sermons are enumerated in the extensive list of his publications. He left, moreover, "a great number of volumes in manuscript." According to his biographers, he read with great avidity and delight, when he was not more than twelve years old, Locke on the Human Understanding. We have strong doubts whether he then comprehended his author; but he afterwards proved himself, in his celebrated treatise on the Freedom of the Human Will, as deep a thinker and close a reasoner, in metaphysics, as the English philosopher. By this masterly work, he gained at once the highest reputation in Europe. Considering his extraordinary faculties, exploits, and renown, his account of himself is to be



deemed curious. "I have," he wrote to the Trustees of New-Jersey College, when they invited him to become President of that institution, "a constitution, in many respects peculiarly unhappy, attended with flaccid solids; vapid, sizzly, and scarce fluids, and a low tide of spirits; often occasioning a kind of childish weakness and contemptibleness of speech, presence, and demeanour." His admirer, Austin, does not forget to mention, that if "any gentleman desired acquaintance with his daughters, after handsomely introducing himself, by properly consulting the parents, he was allowed all proper opportunity for it." President Stiles, of Yale College, "a man of low and small stature, and of very delicate structure," died in a good old age, a prodigy of acquirements and faculties. He was an indefatigable preacher; an able professor of metaphysics, theology, jurisprudence, and history; a voluminous author in print; an unconscionable reader; an almost universal linguist; an adept in mathematics, natural philosophy, and astronomy: and his cabinet of manuscripts, at his death, consisted of forty volumes, besides an unfinished Ecclesiastical History of New-England. His hobby was the discovery of the ten tribes of Israel; a pursuit in which he took incredible pains; and addressed voluminous epistles, in Latin, to Rabbis, Jesuits in Mexico, Greek bishops in Palestine, Moravian ministers in Astracan, and to Sir William Jones in Calcutta. The missive to Sir William consisted of more than seventy pages in quarto. Dr. Samuel Johnson, born in Connecticut, was another such omnivorous and omniscient divine; in learning not inferior to the Johnson of England; in temper and manners much his superior. He was the head and oracle of the Episcopal Church in Connecticut, and the friend and correspondent of Bishop Berkeley, Archbishop Secker, and Bishop Lowth, and acquired, through his extraordinary merits, the degrees of Doctor of Laws and Doctor of Divinity from the English universities. His biographer, Holmes, remarks—"For near fifty years, there was not, I believe, a single candidate for holy orders in the colony, who did not apply to him for his advice and direction; or who ventured to go to Europe without his recommendation, or who did not owe his success, in a great measure, to his patronage." Notwithstanding the vigour of his intellect, and the extent of his erudition, he became, during a personal intimacy with Dean Berkeley, a convert to that celebrated man's theory of the non-existence of matter. He reached the age of seventy-six. His son, Samuel William Johnson, LL. D. F. R. S. ultimately President of Columbia College, New-York, died at the age of *ninety-three*, after a brilliant and useful ca-

reer. Samuel William was a thorough classical scholar; an eminent lawyer; a fine orator; a leading member of the convention that framed the federal constitution; a distinguished senator in Congress; and as President of Columbia College, the reviver of that now successful institution. There was a Reverend *Ivory Hovey*, of Massachusetts, long a principal physician of the body, who bore the load of ninety years without a staff; preached sixty-five years; wrote so many sermons that they could scarcely be counted, and kept a journal, in short hand, which finally occupied *seven thousand* octavo pages. Samuel Hopkins, from whom the sect called *Hopkinsians* derive their name, reached the age of eighty-three, though he frequently devoted eighteen hours a day to his studies, and framed sermons, and huge syntagmata without number. We observed among his works, a Dialogue, dated 1776, "showing it to be the duty and interest of the American states to get rid of their slaves." His editor, Dr. Stephen West, author of the *Essay on Moral Agency*, a man of parts and learning, seriously pronounces this encomium on Hopkins's *System of Divinity*. "There is not, probably, any other human composition extant, from which so good an understanding may be obtained of the gospel plan of salvation by Christ,—the terms on which this salvation may be had,—and the temper and character necessary to the enjoyment of it." The Reverend *Solomon Stoddard*, of Northampton, Massachusetts, who published a variety of polemical and other tracts, and plenty of sermons, wrote so fine a hand, that *one hundred and fifty* of his discourses are contained in a small duodecimo volume, which may be commodiously carried in the pocket. President *Chauncy*, of Harvard College, profoundly versed in the Greek, Latin, and Hebrew, theology and physic, slept very little, fasted and prayed enormously, "travelled beyond the boundaries of fourscore," still preaching and lecturing; and, in his sermons, always spoke of the wearing of long hair "with the utmost detestation," representing it as a heathenish practice, and one of the crying sins of the land. John Eliot, the apostle of the Indians, had a similar antipathy. He despised and abhorred the use of wigs and tobacco—he prayed against wigs; preached against them; and ascribed to them most of the evils that afflicted the people. He could not conceive a more heinous sin, than for men "to wear their hair with a luxurious, delicate, feminine prolixity, or to disfigure themselves with hair which was none of their own." Great and good men, at home and abroad, have had their prejudices, pro and con, on this subject. According to Tertullian, shaving our beards is

"a lie against our faces," and an impious attempt to improve the works of our Creator. Wigs, alas! have triumphed, and so has shaving; but prolixity of hair from the head, is scarcely seen among the lords of the creation; and Chauncey and Eliot might have lived in the present age, without scandal or vexation from that source. President Chauncey's manuscripts fell into the hands of his son's widow, who married a Northampton deacon, who subsisted by making and selling pies. The pastry-cook deacon used the manuscripts as a lining for his patty pans—a service which deprived the world of them for ever. We are tempted to cite here some additional samples of the clerical longevity and fruitfulness, to which we have adverted, from a letter written to us five or six years ago, by a distinguished literary friend of Connecticut.

"Joseph Lathrop, D. D. of Springfield, Massachusetts, was born in Lisbon, Connecticut:—he graduated at Yale College in 1754. He has published, I believe, five or six volumes of sermons, besides many single sermons and tracts, which have a high reputation in New-England among the *moderately orthodox*. Dr. Lathrop's style of writing is distinguished for its simplicity and perspicuity. There are "Essays" by Dr. Lathrop,—some, or all of which are republished in Carey's "American Museum." Dr. Lathrop is still living. I saw him a few years ago, and though at that time he was eighty-four or eighty-five years old, he had much of the vigour and vivacity of youth. He is now about ninety, and till lately officiated as clergyman in his parish. He has within a few months, I understand, lost his sight, but the faculties of his mind are unimpaired.

"Stephen West, D. D., of Stockbridge, Massachusetts, graduated at Yale College in 1755. He has distinguished himself as a metaphysical writer, in the controversy which grew out of Edwards's work on "the Freedom of the Will." His several publications in this controversy have been collected in an octavo volume. He wrote in reply to the "Examination" of Edwards's work, by Dr. Dana, who will be noticed hereafter. Dr. West has, likewise, published sermons and theological tracts. He is, I suppose, still living; and nearly ninety years old.

"John Smalley, D. D., of Berlin, Connecticut, graduated at Yale College in 1756, and has been another prominent character in the school of Edwards. Dr. Smalley has published two volumes of sermons, which are chiefly discussions of difficult points in theology. They have no ornaments of style, but like the writings of Dr. West just mentioned, are marked with great precision and logical exactness. Dr. Smalley is, I understand, nearly ninety years old.

"Nathaniel Emmons, D. D., of Franklin, Massachusetts, is a native of Haddam, Connecticut, and graduated at Yale College in



1767. Dr. Emmons has great reputation among the *high orthodox* in New-England, as a divine and a metaphysician. He has published, I believe, three or four volumes of sermons, besides a great number of controversial tracts, and has shown himself to be a man of great originality and acuteness. His style is uncommonly correct and perspicuous. For many years before the establishment of the theological school at Andover, he was resorted to as an instructor in theology, and a considerable number of the clergy of New-England were educated for the profession under his superintendence. Dr. Emmons is still living, between seventy and eighty years old. I was lately informed by a gentleman from his neighbourhood, and who was well acquainted with Dr. E., that the faculties of his mind and body were still in full vigour. His theological opinions are, in some respects, different from those of Edwards, Hopkins, &c.; and he has been sometimes designated as the head of a new school of divines.

"James Dana, D. D., was a native of Cambridge, Massachusetts, and graduated at Harvard College in 1753. He was soon after ordained a clergyman in Wallingford, Connecticut; and afterwards became a minister of a congregation in New-Haven. He died in New-Haven in 1813, about eighty years old. Dr. Dana published in 1770, an 'Examination' of President Edwards's 'Inquiry.' This publication was without the name of the writer, and was printed in Boston. In 1773, he published in New-Haven, the 'Examination Continued,' with his name. Dr. West, mentioned above, appeared as the antagonist of Dr. Dana."

Dr. Matthew Byles, whose *bons mots* are so well related in Tudor's Life of Otis, compassed eighty-three years, having acquired fame as a pastor and a wit; published many sermons and various poems; and by his literary merit, recommended himself to the favour of men of the noblest genius in England. Pope, Lansdowne, and Watts, were among his correspondents. Pope sent him an elegant quarto copy of the translation of the Odyssey.

In descending to New-England pulpits oracles of a later era, we should at once be led to such names as President Dwight of Yale College, and Jos. S. Buckminster of Boston. The theology of Dr. Dwight, in four octavos, to which a full account of him and his performances is attached, has caused him to be nearly as well known and as much read and admired in Great Britain as in the United States. His reputation is colossal in his own state, and with all the holders of his religious opinions. He excelled, with unrivalled authority, as a preacher, a literary instructor, a divine, and a college-ruler. His poems and his sermons have been reprinted in England; the latter being regarded there as of the highest standard. His four



posthumous volumes of *Travels* are interspersed with authentic biographical sketches of the most eminent men of New-England, and further enriched by anecdotes and narratives illustrative of the history and character of the aborigines. To exemplify his industry, we need only mention, that when at Greenfield, as the teacher of a school, he formed one thousand scholars of both sexes, and wrote and delivered *one thousand sermons*, besides composing long poems and occasional essays. The volume of Buckminster's sermons, edited by his friend, the Reverend Samuel C. Thacher, and prefaced with an elegant and pathetic notice of the author's life and qualities, deserves a high place among that class of American productions. The edition before us is the third. Dr. Dwight attained the age of sixty-five; but Buckminster was cut off in an earlier stage of usefulness and honour, and his biographer, whose excellent sermons have also been collected into a volume, accompanied with an ample biographical memoir, fell likewise prematurely into the grave prepared by his devotion to learning and the ministry. We had the advantage of a personal acquaintance with both those pious and accomplished victims. Even strangers, of any sensibility, could scarcely peruse the zealous narratives of their lives and virtues, in connexion with their literary remains, without being touched with lively regret for the double loss, and tenderness for so exemplary and hapless a union.

New-Jersey has been the scene of much clerical and literary distinction, within the sphere of her College. Several of the Presidents of that institution were men of a superior order, who shone in their office, and published sermons and treatises which have been deservedly popular. Dr. *Ashbel Green*, one of the latest, has commemorated most of his predecessors, in the copious notes which are appended to his praiseworthy volume of Discourses, addressed in the college to candidates for the first degree in the Arts. Jonathan Edwards, as we have before mentioned, was of the number; and Dr. Green remarks, with just pride, that the British writers, notwithstanding their tardiness in duly accrediting American genius and talents, have classed him among the great masters of reasoning. We find, indeed, that Dugald Stewart, one of the first of British authorities, has, in his Dissertation on the Progress of Metaphysical, Ethical, and Political Philosophy, styled Edwards "a very acute and honest reasoner; the most celebrated, and indisputably the ablest champion of the scheme of *necessity*, who has appeared since the time of Collins." Aaron Burr, father of the ill-starred politician of that name, was another of the Presidents—pious, erudite, eloquent, skilful, polished, patri-

otic, and as much beloved as any clergyman in the state. His chief theological work is a dissertation on *The Supreme Deity of Christ*. Samuel Davies, born in Delaware, is prominent in the list. He laboured for some years in Virginia as a pastor, and proved the ablest advocate of the rights of Protestant dissenters in the province. While there, he preached a patriotic sermon to animate the people, on the intelligence of Braddock's defeat near *Fort Du Quesne*; in which he referred, as follows, to Washington, then only twenty-three years of age,—by whose valour and skill the remnant of Braddock's army was saved. "I may point out to the public that heroic youth, Colonel Washington, whom I cannot but hope Providence has hitherto preserved in so signal a manner, *for some important service to his country*." Davies expired in the thirty-sixth year of his age, and owed his dissolution to an awkward bleeder. Dr. Green represents him as, probably, the most eloquent and accomplished pulpit orator that our country has ever produced. His three volumes of posthumous sermons have passed through many editions, both in Great Britain and the United States; and the same writer affirms of them, that, perhaps, there are none in the English language which have been more read, or for which there has been so steady and constant a demand, for more than half a century past. Being pressed by an intimate friend to preach extemporaneously, Davies answered—"It is a dreadful thing to talk nonsense in the name of the Lord:"—a good hint to the rhapsodists. Dr. John Witherspoon, of whom there is a detailed account in the fifth volume of the *Biography of the Signers of the Declaration of Independence*, was, in 1768, drawn from Scotland, in consequence of his great reputation there, to preside over the New-Jersey College, which he governed for a long series of years with almost unrivalled lustre and ability. But he rather belongs to the division of patriots and statesmen; for, few of the leaders in our revolutionary councils were more active, efficient, and conspicuous. He rendered the most important services to his adopted country, no less than to the college. He triumphed as an admirable debater, and a keen wit; and signalized himself further by political and ethical works of rare merit. Some of his printed sermons are deemed master-pieces. His works were published in four octavo volumes, in the year 1802. He enjoyed all honour in private life, except on one occasion,—that of his second marriage at the age of seventy, with a lady only twenty-three years old. "This," says his biographer, "excited much noise and attention." *Amour, tu perdis Troie!*

In adverting to the Presidents of Nassau Hall, and to the ca-

talogue of American clerical writers, it is impossible to overlook *Samuel Stanhope Smith*, whose name stands in the boldest relief. An edition of his Sermons, in two volumes octavo, was published in Philadelphia in 1821, and edited by his learned friend, the Reverend Dr. Beasley, Provost of the University of Pennsylvania; who added a suitable Memoir of his Life and Writings. Dr. Smith was born in Pennsylvania, which he quitted, in the first instance, a ripe scholar and an enthusiastic missionary, to pursue his sacred vocation, like Davies, in Virginia; where the College of Hampden-Sydney was founded for him, and enjoyed his auspices before he was called to Nassau Hall, to co-operate with Dr. Witherspoon. As Professor of Moral Philosophy in the latter institution, he dispensed to his pupils, and afterwards to the world, a Course of Lectures, which his biographer does not overrate in declaring it to be certainly one of the best productions of the kind extant. That work, his Principles of Natural and Revealed Religion, his Essay on the Causes of the Variety in the Figure and Complexion of the Human Species, his Lectures on the Evidences of Christianity, and his three volumes of Sermons,—all of which have been republished and sanctioned in Europe—are among the most valuable and successful efforts of American authorship. The sermons are upon the French model—rhetorical, but still practical;—richly essenced and worded. He is described as a most graceful orator, and a luminary in the ecclesiastical councils in which he assisted to prepare the existing and applauded form of American Presbyterian church government.

Passing to Pennsylvania, we could cite names of dignity and celebrity in the ecclesiastical annals. The Allisons, the Ten-nents, the Smiths, the Ewings, the Linns, the Duchés, the Andrews, and others, have left reputations and works credit-able to the commonwealth. Dr. John Ewing, a native of Maryland, established his fame as a savant, by a course of lectures on Natural Philosophy, delivered in the University of Pennsylvania, and afterwards published. He became Pro-vost of that institution, and Vice President of the American Philosophical Society, to whose volumes of Transactions he contributed profound and ingenious papers. In 1773, he visited Great Britain, where his virtues, general intelligence, and sci-entific reputation, procured for him the most flattering marks of honour and kindness. In Scotland, the cities of Montrose, Glasgow, Dundee, and Perth, respectively presented to him their freedom; and the University of Edinburgh conferred on him the degree of Doctor of Divinity. Dr. Robertson, the his-torian, who was then the Principal, welcomed him as a most



deserving colleague. On his return to London, he had frequent conferences with Lord North, the British minister; to whom he predicted, with characteristic frankness and patriotism, the issue of the struggle with America, if the British government persisted in their scheme of taxation. The following anecdote, which has been related upon his authority, illustrates, as much as any other we have seen, the social habits and moods of the author of the *Rambler*.

Mr. Dilly, a fashionable London bookseller, invited Dr. Ewing to dinner, adding—"You will meet the great Dr. Johnson, but you must not contradict him; we never contradict him." The day arrived, and Dr. Ewing, on entering the parlour of Mr. Dilly, found several eminent literary characters engaged in easy conversation, which, however, was instantly suspended when Dr. Johnson entered the room. There was a general silence. He scarcely noticed any one; but, seizing a book which lay on the table, read in it attentively until dinner was announced. Here every one seemed to forget himself, and anxious to please him by the most assiduous attentions. He attended, however, to nothing but his plate. He did not seem to know that any one was present, until, having eaten voraciously, without exhibiting many of those *graces* which constituted so great a portion of Chesterfield's morality, he raised his head slowly, and, looking around the table, surveyed the guests for the first time. They were then engaged in a discussion of the expected controversy with America; and, as Dr. Ewing had lately left his native country, he, with his usual frankness, and without adverting to, or regarding the prejudices of Dr. Johnson, began to defend the cause of the colonies. Johnson looked at him with sternness, and said—"What do you know, Sir, on that subject?" Mr. Dilly's caution was forgotten, and Dr. Ewing calmly replied, that, having resided in America during his life, he thought himself qualified to deliver his opinions on the subject under discussion. This produced an animated conversation. Johnson's prejudices against the Americans were strong; he considered them, as he always termed them, rebels and scoundrels, and these epithets were now by no means sparingly used. It is difficult to say how far he might have been provoked, by opposition in argument, if a fortunate turn had not been given to the dispute. Johnson had rudely said, "Sir, what do you know in America? You never read: you have no books there." "Pardon me, Sir," replied Dr. Ewing, "we have read the *Rambler*." This civility instantly pacified him; and, after the rest of the company had retired, he sat with Dr. Ewing until midnight, speaking amicably and eloquently, and uttering such wisdom as seldom falls from the lips of man.

The name of Dr. William Smith, for a long time Provost of the College and Academy of Philadelphia, and a clergyman of



the Episcopal Church, has strong claims to distinction. Two octavo volumes of his works, containing a selection of his Sermons, Orations, and Essays, were published in Philadelphia in 1803, the year of his dissolution. Some of the sermons had gone to a second edition in England. Their author received the degree of Doctor in Divinity from the Universities of Oxford and Aberdeen, and Trinity College, Dublin. He appears, by the warmth of sentiment, beauty of diction, vigour of thought, and affluence of knowledge, which pervade his compositions, and by the forcible testimony from a venerable source, which is expressed in the Preface of the edition of 1803, to the purity and usefulness of his life, to have well earned the large share of personal consideration and celebrity that gladdened and strengthened the greater part of his protracted term. *John Blair Linn*, a poet, richly endowed and cultivated, adorned the sacred ministry, from which he was too soon snatched by disease. Even when descending rapidly to the tomb, he could cope, in pamphlets, with such a disputant as Dr. Priestley, on such a subject as the comparative merits of Jesus Christ and Socrates, involving the peculiar Socinian doctrines generally. His friends claimed the victory for him; on both sides he was acknowledged to be equal to the contest. His principal poem, the *Powers of Genius*, passed to a second edition in a few months, and was reprinted in London in a splendid style. His popularity as a preacher was scarcely rivalled by that of any of his youthful American contemporaries. Brown, the novelist, exerted his fine genius in sketching the life of his friend, for a posthumous edition of Linn's narrative poem, entitled *Valerian*.

Although we have already allotted as much of our space, as our readers are likely to think due to the indication of worth in the ecclesiastical department, we cannot refrain from dwelling on the life and character of one whom we held to be the model of prelates, Christians, and scholars. We refer to the late Roman Catholic Archbishop of Baltimore, the venerable *John Carroll*, first Catholic Bishop in this country. The annexed biographical outline, communicated from the proper source, is, we believe, exact in every particular.

John Carroll was born in Maryland, in the year 1734. His parents were Catholics of distinguished respectability. At the age of thirteen, he was sent to the College of St. Omers, in Flanders, where he remained for six years, when he was transferred to the Colleges of Liege and Bruges—all under the superintendence of the Jesuits—for the higher branches of literature. In these two last institutions, alternately pursuing his studies in both;

he remained until the year 1769, when he was ordained priest, and soon afterwards became a Jesuit himself. According to the concurrent statements of his cotemporaries, he was unrivalled in all these schools for rapid proficiency in literary attainments, and was no less remarkable for the kindness of his disposition and the strength and solidity of his judgment. In the year 1770, he became the private tutor and preceptor of the present Lord Stourton, the son of a highly respectable Roman Catholic nobleman of England. He immediately commenced the tour of Europe with his pupil, which he did not finish until the year 1773. Upon his return to Bruges, he resumed at once a Professorship in the same College, to which he had been before attached. Here, in the month of September of that year, whilst, with the permission of his superiors, he was meditating a return to his own country, he received the afflicting intelligence of the entire suppression by the Pope, of the Society of Jesus; and this intelligence was soon followed by the breaking up of all their schools and colleges in the Low Countries, and elsewhere.

On that event, he retired to England, and lived in the family of Lord Arundel, another respectable Roman Catholic nobleman, until the next year, 1775, when he returned to his native country. During the tour with Lord Stourton, he wrote a concise and interesting history of England, for the use of his pupil, which is still preserved in manuscript. He also kept a journal of his extensive travels, which strikingly displays the liberal good sense, sound and enlightened judgment, and diffusive observation, which ever distinguished him. He continued in Europe longer than he had intended, in consequence of the dissolution of the society of Jesuits, principally with the view of assisting his brethren, by his writings and counsels, in procuring some mitigation of the severe sentences of sequestration and confiscation, which had been passed against them, in common with all other members of the same society, in regard to the temporal interests of their order. He acted as Secretary General of the dispersed fathers, in their remonstrances with the courts by which they were persecuted. For this station he was peculiarly qualified, as well by his learning and talents, as by the remarkable purity and elegance of his style in the French, as well as in the Latin language. Upon his arrival in Maryland, he immediately commenced the arduous and laborious duties of his ministry, as a parish priest, taking under his charge a number of congregations in distant and separate situations.

In the year 1776, at the solicitation of the then Congress of the United States, he accompanied Dr. Benjamin Franklin, Charles Carroll, of Carrollton, and Samuel Chase, their three Commissioners for that purpose, on a political mission to Canada, with the view of inducing the people of that province to preserve a neutral attitude in the war between the mother country and the United States;

but the mission proved unsuccessful. In the year 1784, the Reverend Mr. Charles Wharton, who had been chaplain to the Roman Catholics of the city of Worcester, in England, published in this country, a Letter to his former congregation, stating the grounds upon which he had seen fit to abandon the faith which they professed, and impugning the doctrines of their Church. An Address to the Roman Catholics of the United States of America, in reply, was immediately prepared and published by Mr. Carroll, which was greatly admired, both here and in England, as a candid and luminous exposition of the real tenets of the Roman Catholic Church upon the controverted points, and for the liberal spirit which characterised it as a polemic production.

The Roman Catholic clergy having been always under the immediate superintendence of a spiritual hierarchy, established by the see of Rome, in England, they had solicited the Pope to place them under a similar one in this country, as a substitute for that in England. In compliance with their wishes, and by the unanimous recommendation of all his clerical brethren, Mr. Carroll was appointed Vicar General by the Holy see, in 1786, when he took up his residence in Baltimore. At a subsequent period, in the year 1789, the Pope was induced, by the earnest solicitation of his same brethren, to appoint him Bishop over the Catholic Church in the United States; and in the summer of 1790, he repaired to England for the purpose of being consecrated. On the 15th of August of that year, he was accordingly consecrated at Lulworth Castle, the seat of Thomas Weld, Esq., in Devonshire. In the same year he returned to Baltimore, and as the seat of his Episcopal see was established at that city, assumed the title of Bishop of Baltimore.

From this period until that of his death, he devoted himself, as he had always done in every situation in which he had been placed, to the regular and steady performance of the duties of his new station, in the faithful superintendence and care of his extensive diocese, which he governed with exemplary zeal and discretion. A few years only before his death, he was raised to the Archiepiscopal dignity. The degrees of Doctor of Laws and of Divinity, had been conferred upon him many years before, by several Universities in the United States. On the 22d of February, 1800, he commemorated the character and services of General Washington, who had died but a few months before, by a solemn discourse which he prepared upon the occasion, and delivered in the Catholic church of St. Peter, at Baltimore. On the 3d of December, 1815, he departed this life at Baltimore, in the eighty-first year of his age. His life was almost at the last ebb, and his surrounding friends were consulting about the manner of his interment. It was understood that there was a book belonging to his library which prescribed the proper ceremonial, and it was ascertained to be in the very chamber in which he then lay. A clergyman went, as softly as



possible, into that chamber in search of it. He did not find it immediately, and the Archbishop overheard his footsteps in the room. Without a word having passed, he called to the clergyman, and told him that he knew what he was looking for; that he would find the book in such a position on a certain shelf; and there it was accordingly found. When we consider that the prelate was, at this moment, fully sensible of his nearness to the tomb, and that the knowledge that his friends were searching for the volume which explained the established mode of burial for Archbishops and other dignitaries of the church, was, above all things, calculated to bring fully and strongly to his thoughts the melancholy and gloomy ideas attendant upon so solemn a service, and *those ideas applicable to his own person*, it is impossible to restrain our admiration, not only of the clearness and precision of his memory, *at the age of eighty*, but the sublime tranquillity of his spirit, which discoursed of mortality as if he had passed its limits, and regarded the concerns of this world as if he had become already an inhabitant of the other. When he was called to receive the reward of his many virtues, the excellence of his character shone out with fresher lustre. Dying, he inquired if a conveyance was prepared to take away his sister and weeping connexions; he told them the scene was about to close, and requested them to take rest and nourishment. He gave them his benediction, turned his head aside, and expired. His countenance retained in death, the benignant expression of life. His piety grew warmer as life closed, and the glow of religious hope was elevated almost to enthusiasm. "Sir," he said to an eminent Protestant divine, who observed that his hopes were now fixed on another world, "Sir, *my hopes have always been on the cross of Christ.*" Yet, humility tempered his confidence; and while a numerous circle, who surrounded his bed of death, were transported with veneration at the moral sublimity of his last moments, and his joyous expectations of a speedy release, he called to his friend and associate to read for him, the "*Miserere mei Deus—Have mercy on me, O Lord.*" Reversing the wish of Vespasian, he desired, were it practicable, to be placed on the floor, that he might expire in the posture of deepest humility.

We may be permitted to pay, ourselves, an humble, direct tribute to the memory of him whose society we had often the good fortune to enjoy. No being, that it has been our lot to admire, ever inspired us with so much reverence as Archbishop Carroll. The configuration of his head, his whole mien, bespoke the metropolitane. We cannot easily forget the impression which he made, a few years before his death, upon a distinguished literary foreigner, (of Scotland), who conversed with him for a half hour, immediately after the celebration of the mass, in his parlour, and had seen the most imposing hierarchs



in Great Britain. The visiter seemed, on leaving the apartment, to be strongly moved, and repeatedly exclaimed—"that, indeed, is a true Archbishop!" The prelate could discourse with him on all the leading affairs and pregnant vicissitudes of the world; with equal elegance and facility in Latin, Italian, or French; with the most enlightened and liberal philosophy; blending dignity with suavity, delicate pleasantry with grave and comprehensive remark. Much of his correspondence was conducted in those languages; he wrote them not less readily and tersely than his own: and he had few equals in his critical knowledge and employment of the latter. He bore his superior faculties and acquirements; his well improved opportunities of information and refinement, abroad and at home; his unrivalled personal consideration and influence; his professional rank and his daily honours, we will not say meekly, but so courteously, happily, unaffectedly, that while his general character restrained, in others, all propensity to indecorum or presumption, his presence added to every one's complacency, and produced an universal sentiment of earnest kindness towards the truly amiable and truly exalted companion and instructor. He mingled often with gay society; relished the festivities of polished life and the fellowship of the fire-side; held the most cordial and familiar intercourse with both clergy and laity of the Protestant denominations: and it was this expansion of his sympathies and social pleasures—as well the breadth of his charity, the benignity of his nature, and the simplicity of his spirit and carriage, as his elevated station and the sanctity of his way—that drew to his funeral a greater concourse, comprising more real mourners, than had ever been witnessed in Baltimore on a similar occasion; filled the streets and windows with sympathizing spectators; and produced as vivid a sensation in the whole body of Catholics throughout the Union, as if each congregation or individual had lost the dearest of immediate pastors or friends. Archbishop Carroll belonged, as has been said, to the Society of Jesus, or the Jesuits; and he was ever proud and fond of that relation. Could *Jesuitism* have been determined in its proper meaning by his disposition, it would have had an acceptation the very reverse of the common one. He was wholly free from guile; uniformly frank, generous, and placable:—he reprobated all intolerance; and when accused, in the newspapers, of having, in a pastoral letter, "excluded from the honourable appellation of Christians, all that were not within the pale of his Church," he answered, by the same channel,—“If such a passage can be pointed out, he (the Bishop) will be the first to condemn it; since, so far from em-

bracing this opinion, as an article of his faith, he holds the doctrine directly contrary to it to be that of his Church, to which he and all Catholics are bound to submit, and which Catholics have constantly maintained in opposition to the tenets of some pretended reformers."

The Archbishop's patriotism was as decided as his piety. He ranked and voted with the Federal party—yet he entertained no predilection for Great Britain or her government. He loved republicanism; and so far preferred his own country, that if ever he could be excited to impatience, or irritated, nothing would have that effect more certainly, than the expression of the slightest preference, by any American friend, of foreign institutions or measures. He had joined, with heart and judgment, in the Revolution:—he retained, without abatement of confidence or fervor, the cardinal principles and American sympathies and hopes, upon which he then acted. We have heard from some of the most intelligent and observant of his auditors, when he delivered his masterly funeral panegyric on Washington, in which he recited the terrors, the encouragements, the distresses, and the glories of the struggle for Independence, that he appeared to be labouring under intense emotions correspondent to those topics—to be swayed, like the aged minstrel of the Poet, with contagious influences, by the varied strain which he uttered. That discourse has been published; and, also, we believe, some of his tracts. His sermons have not been printed; but they were most skilfully tempered, and classically written.

The trait of patriotism, or Americanism, which we have designated in Archbishop Carroll, was common to the great plurality of our clergy, both before and during the Revolution. We have found this to be the case, in investigating their lives as far as the inquiry was practicable. They sided with their country in all the disputes with Great Britain,—they prayed and preached in favour of Independence, at the proper period; some even took up arms. It was especially natural and consistent in the New-England ministers, to be republican patriots—they were proclaimers of civil and religious liberty—sturdy whigs, from the settlement. Old President Stiles, with his puny body and large soul, preached a discourse on the occasion of the Death of George II. and the Accession of George III., in which he admonished the latter against suffering any retrenchment of the *liberties* of New-England. In the best known of his works, his History of the three Judges of Charles I., he is all for "republican renovation;"—he announced—before our Revolution,—that the 30th

of January, which was observed by the Episcopalians, in commemoration of the martyrdom of Charles I., "ought to be celebrated as an anniversary thanksgiving, that one nation on earth had so much fortitude and public justice, as to make a *royal tyrant bow to the sovereignty of the people.*" So *Jonathan Mayhew*,—the famous leader in what was called the Episcopal controversy, to whom Archbishop Secker and Dr. Johnson replied, and otherwise of great literary and ecclesiastical consequence,—was a republican of the boldest port. Such pastors contributed not a little to prepare the people for prompt and inflexible resistance to every attack on their rights.

It is unquestionable that the lives of the American clergymen have been sound as to morals, and active as to the duties of the priesthood. Instances of libertinism, obliquity, or indecorum, have been very rare comparatively. Making every allowance for the prudence or partiality of biographers, it is yet most edifying to find such proof, as these records afford, of domestic virtue, public exemplariness, devout diligence, combined with various talents, profound learning, scientific honours, and personal ascendancy. The vices and the irregularities with which the ecclesiastical bodies of Europe and South America are reproached, have no place in the true history of ours:—indolence, luxury, substitution, simony, licentiousness, horse-racing, cock-fighting, gambling, street-mendicancy, none of these things can be cast upon any portion worth mentioning, of the dead or the living ministers of the Gospel, in our country. This fact is, in part, one of the effects, and therefore one of the merits, of our political system, and the order of our society. Republicanism has its share in the honour, with whatever tendencies it may be charged, towards multiplication of sects and dispersion of doctrine.

We must hasten to the profane side, if we may be allowed the phrase, of American Biography; or, we shall lose the pleasure of citing even a few of the lay names, which will radiate for ever, in story, shedding the brightest lustre over the annals of America, and kindling, as long as her free institutions are preserved, a holy fire in the hearts of our countrymen. The *ante-revolutionary* biography is rich in thorough and successful scholars, other than ministers of the gospel; in statesmen, magistrates, and writers, of extensive capacity and reputation; and in personages who won, by their martial exploits against the French and Indians, and their conquests over the wilderness and its portents, laurels which their descendants should not suffer to wither through neglect. Our literature is

more deficient in regard to the history of the *provinces* than of the *states*. A matured work of genius, on their settlement and progress, which should embrace the most prominent and operative characters and events, from the era of colonization down to the Declaration of Independence, would be of incalculable value as a source of salutary pride and grateful instruction. We must, ourselves, resign that fertile period, to reach at once the galaxy of revolutionary worthies, of whom those, such as Washington and Putnam, and many others, who then did gallant service in the field, are, we think, fitted to excite particular interest on that account. Whoever had worn an epaulet in the colonial wars, was deemed of prime consequence in the revolutionary array; and it is mere justice to add, that the delinquents or recreants bore no proportion to the dauntless spirits whose blood flowed freely throughout the hard struggle, and whose experience, or ability, either great or small, proved specially advantageous.

When we call to mind the multitude of *patriots* bought by the enemy,—of those who espoused the cause of country only to sell or otherwise betray it—in all the civil wars and contests between freedom and tyranny, self-defence and ambitious invasion, whether in ancient or modern times,—in the English, the French and the Portuguese revolutions,—we must be powerfully moved by the fact that one individual alone, enlisted under the banners of American Independence, was found accessible to a bribe, and that individual the only one, in the list of chiefs, bearing a previous stain from sordid malversation. Lavish offers were made by the British, and none would have been spared, if success could have been hoped; the great majority of the *insurgents* were men of comparatively obscure birth, of relative or positive indigence; afflicted with every privation; sometimes, or often, sunk almost into despair, anticipating the extremity of wretchedness:—yet, there was but one marked instance of venality. We might venture upon the assertion, that there was hardly a man, worth acquiring, in the public councils, of whatever description, or any where in the revolutionary ranks, who would not, if tempted, have given the pithy answer which General Joseph Reed of Pennsylvania returned to the corrupt offer of governor Johnstone in 1778. “I am not worth purchasing, but such as I am, the king of Great Britain is not rich enough to do it.”

The moral sublimity of WASHINGTON’s character, which, after some time, was felt over the united colonies, as it is now acknowledged throughout the world, conduced to the widest spread and entire confirmation of that sense of honour and tenacity of



purpose, which the circumstance upon which we have laid so much stress, so forcibly exemplifies. It is not our intention to enter into the details of his public life and merits:—they are sufficiently and universally known. His biography, however, has not yet been fully composed. Dugald Stewart observes of Fontenelle's *Eloges*, that their principal charm arises from the pleasing pictures, which they every where present, of genius and learning *in the scenes of domestic life*. Neither Ramsay nor Marshall, and much less the mere sketchers, have adequately developed and delineated *the man*, besides displaying the general and the politician.

His relative, George Washington Custis esq., has recently, in the newspapers, described his person in a more satisfactory manner, than it had been before done, to our knowledge. The physical, harmonized with the intellectual and moral being. In the prime of life, his height was six feet two inches; his average weight about two hundred and twenty pounds, and his whole person of the noblest mould: his limbs and features were admirably proportioned: the first, sinewy, agile, and well exercised; the latter truly Roman, and irresistible in their majestic expression. No equestrian surpassed him in ease, skill, confidence and bearing: in athletic sports and trials he could defy the swiftest and the strongest. All who have ever seen him, have felt the grandeur of his presence, and must know that it can scarcely be exaggerated. It was not properly stern nor stately; and yet it inspired, of itself, peculiar awe.

It is related in the Life of Peyton Randolph, on the authority of the venerable *Charles Thomson*, that, on the meeting of the first general Congress at Philadelphia, on the 5th of September, 1774, upon the house having been summoned to prayers, and after the chaplain had commenced service, it was perceived that, of all the members present, George Washington was the only one who was upon his knees. This was characteristic. He was truly religious, and in every circumstance and relation, strictly moral and blameless. Of what other hero, or great commander, can so much be said? The character of antiquity, to which this description carries back the reader, is *Timoleon*, as he is immortalized in Plutarch and Cornelius Nepos. In Washington, the sense of duty always prevailed over whatever other feelings or considerations. When Greene, the object of his liveliest esteem and regard, was appointed to the command of the southern army, he wrote to the General-in-chief—

“I will prepare myself for the command as soon as I can, but as I have been upwards of five years in service, during all which time I have paid no attention to the settlement of my domestic

concerns, I wish it was possible for me to spend a few hours at home before I set out for the southward—especially as it is wholly uncertain how long my command may continue, or what deaths or accidents may happen during my absence. It will not be possible for me to set out under five days from this place, (West Point) if I put my baggage and business under the least degree of regulation; nor is my health in a condition for me to set off immediately, having had a considerable fever upon me for several days; and if I should set out before Mrs. Greene's arrival, the disappointment, added to the shock of my going southward, I fear will have some very disagreeable effect upon her health."

Washington replied to his favourite, in a letter dated two days after—

"I wish circumstances could be made to correspond to your wishes to spend a little time at home, previous to your setting out for the southward; but your presence with your command, as soon as possible, is *indispensable*. The embarkation at New-York sailed the 16th; in all probability destined to co-operate with Cornwallis, who, by the last advices, had advanced as far as Charleston. I hope to see you *without delay*, and that your health will be no obstacle to your commencing your journey."

Greene was fain to go. "Neither the fever that hung upon him"—says his biographer, Judge Johnson—"the hourly expected arrival of a beloved and long absent consort; the demands of his private concerns; nor, above all, the endearments of children whom he had never seen but once, detained him a day longer from his duty." He moved under the impulse of a more provident and strenuous spirit.

Colonel Benjamin Walker, one of Washington's aides-de-camp, had been long engaged to Miss Ledyard, a Quaker lady, of New-York, whom he afterwards married. Having been also long without seeing her, he asked the General leave of absence for a short time, to pay her a visit; but the public service did not permit this, and the General refused. Walker made pressing instances—urged all the arguments he could devise; yet all in vain. At length his pain of disappointment became excessive, and he exclaimed—"But, General, what *shall* I do?" "Do?" answered the General, "why, write to her." "But, what shall I write?" "Tell her," rejoined Washington, "to add another leaf to the *Book of Sufferings*."

Having descanted on the moral excellence of Washington, the transition is natural to another model of rigid integrity, whose name we have merely mentioned above—we mean *Charles Thomson*, whom we may call "perpetual secretary" of the revolutionary Congress. There is no account of him in

the biographical works in our hands; nor, indeed, any in print, as far as we have heard. The Indians instinctively surnamed him *the Man of Truth*, as, with no less propriety, they called the late Colonel Meigs, the *White Path*. Of *the Man of Truth*, we have recollections of our own; having passed very interesting hours with him a few years ago, after he had turned the age of ninety, though while he retained his memory of revolutionary times. But we prefer to use the following familiar statements, kindly imparted, before his death, (1824), by one of his most intimate and accomplished friends.

I have believed that it might, perhaps, be acceptable to you to receive such notices of this venerable patriot, as my opportunities from time to time of his interesting conversations have enabled me to communicate; and I am safe in stating, that a reliance may certainly be placed upon what I have to offer, for it is not wholly from recollection that I draw: I had long been in the habit, when I returned from visiting this remarkable man, of writing down the information elicited in conversation, especially respecting himself.

He is by birth an Irishman, but left that country when very young, in company with his father and three brothers, being himself the youngest son. He was born in November 1729, and was about eleven years of age, when he arrived in this country; his father having died on the passage, his brothers thought that the captain, who had behaved in such a manner as to warrant the suspicion, embezzled the money which their father had brought out with him; he turned them on shore at New-Castle, with but very slender means of providing for themselves, in a strange country. Charles has told me, that his greatest anxiety was to procure the advantages of education, and that one of his brothers kindly furnished him with money, from one quarter to another, to pay for his schooling, which he afterwards gratefully repaid, by purchasing a plantation, and presenting it to his brother. It was his good fortune, to place himself at the school of Dr. Allinson, a clergyman of high character for classical learning, who, at that time, resided at Thunder-hill, in Maryland. Here also were educated, at the same period, the late governor M'Kean, and George Read of Delaware, with several other distinguished persons. I have heard him, in describing the state of the country, at that time, say, that the deer often crossed his path, and that he had seen the beaver at work.—In these times of simplicity, books were very scarce, so that a single lexicon served the whole school. One of the boys, who had been in Philadelphia, had brought down a volume of the *Spectator*, which Charles Thomson says, he read with incredible delight, and upon his school-fellow's telling him, that a whole set were on sale at a book-store in town, at a price which his little store of cash could afford, he set off the next day, without asking leave, walked to Philadelphia, and having possess-

ed himself of the treasure, returned to school without further delay, where the motive of his absence being made known, it procured his pardon.

At this seminary, he obtained a knowledge of the Greek and Latin languages, and of the mathematics, and such other acquirements, as enabled him, when a very young man, to keep the Friend's Academy in Philadelphia, with considerable credit to himself. He afterwards married, and went into business in that city. I have heard him say, that his acquaintance with Dr. Franklin, began with his introducing himself to that distinguished man, stating his youth, inexperience, and unprotected situation, and entreating him to afford his countenance and advice, and if he found him worthy, his friendship—which was, upon trial, fully accorded, and lasted through the Doctor's life. He belonged, at this period, to a club, modelled upon that of the famous Junta to which Franklin had belonged,—where they used to discuss political questions, and were constantly on the alert to render services to their fellow citizens.

Charles Thomson's principles were early of a most republican cast; I think he began the opposition to the stamp act in Pennsylvania.—I will repeat, in his own words, the narrative which he gave us, of his first officiating as secretary of congress:

"I was married to my second wife, on a Thursday; on the next Monday, I came to town to pay my respects to my wife's aunt, and the family; just as I alighted in Chesnut street, the door-keeper of congress (then first met,) accosted me with a message from them, requesting my presence. Surprised at this, and not able to divine why I was wanted, I however bade my servant put up the horses, and followed the messenger myself, to the Carpenter's Hall, and entered congress,—here was indeed an august assembly! and deep thought and solemn anxiety were observable on their countenances! I walked up the aisle, and standing opposite to the President, I bowed, and told him I awaited his pleasure. He replied, "Congress desire the favour of you, Sir, to take their Minutes." I bowed in acquiescence, and took my seat at the desk. After a short silence, Patrick Henry arose to speak. I did not then know him; he was dressed in a suit of parson's grey, and from his appearance, I took him for a Presbyterian clergyman, used to haranguing the people; he observed, that we were here met in a time, and on an occasion of great difficulty and distress; that our public circumstances were like those of a man in deep embarrassment and trouble, who had called his friends together to devise what was best to be done for his relief—one would propose one thing, and another a different one, whilst perhaps a third would think of something better suited to his unhappy circumstances, which he would embrace, and think no more of the rejected schemes, with which he would have nothing to do. "I thought," continued the venerable narrator, "that this was very



good instruction to me, with respect to the taking the Minutes: what congress adopted, I committed to writing; with what they rejected, I had nothing farther to do; and even this method led to some squabbles with the members, who were desirous of having their speeches and resolutions, however put to rest by the majority, still preserved upon the Minutes."

It will be recollected that Charles Thomson kept his station as Secretary of Congress, with great reputation to himself and advantage to the cause, until the perilous war was ended, and the sun of the confederacy rose brightly over the fogs and mists which had clouded its first dawn. The value of his great integrity was apparent in the implicit credit with which the public received whatever was published with the sanction of his name; his services were also very great in the House, in a variety of ways: such as reconciling the members, repressing extravagancies, and detecting errors, in whatever came within the sphere of his business. The Indians, into one of whose tribes I have heard him say he was adopted many years before, gave him a name, signifying "The Man of Truth;" and he completely verified the appellation. The mass of papers and documents which he possesses, if he has not destroyed them of late, must be very great. In a note written by him, in Wirt's Life of Patrick Henry, which a friend took over to him to read immediately upon its publication, he says he has "a copy of the Journal of the Congress held at New-York in 1765, and which Virginia did not attend." I believe this was never published, and it is curious, as one of the more remote fountains of the Revolution. His conversation, before his mind had bent beneath the pressure of years, was a rich fund of information and entertainment on these subjects. His natural temper was remarkably good and cheerful, and nothing delighted him more than free and social conversation with his friends: he possessed a great share of natural sagacity; he seemed to penetrate into the characters of men, and into their motives, with surprising facility; and he could, when provoked, or the occasion called for it, use a caustic severity in reproof, which was felt the more severely, as not inflicted willingly. He was a true republican of the old school; he hated all the "necessities" of royalty, and the pomp and trappings of aristocracy. He was most strictly moral and religious, attending more to the spirit than to the forms of religion, but his mind was fully imbued with the great truths of Christianity.

He was twice married; his first wife was the daughter of James Mather, of a reputable family, who lived at Chester in this state. She was a very amiable woman, but soon taken from him by death; by her he had two children, twins, who died infants. His second wife was Hannah, the daughter of Richard Harrison, of Merrion, in Pennsylvania, by whom he became possessed of the fine estate of Harrington, where he now resides.

He has frequently mentioned to me the firmness and patriotism of this lady. He said, she never complained of any inconvenience resulting from their situation in consequence of the war; but did every thing in her power to lighten difficulties, and assist him. His business, he was aware, was too confidential to be intrusted to a secretary or clerk—she aided him with her pen, and the archives of the Revolution contained much of her copying.

At the adoption of the new Constitution of these states, after the revolutionary war had closed, he assisted at the organization of the new government, and was the person deputed to inform the excellent Washington of his nomination to the Presidency. He accordingly waited on him at Mount Vernon, and attended him in his journey to assume the reins of government.

Washington wished much to retain him in its service, and offered him any situation in his gift; but, to use his own expressions, "the suitable hour for his retirement was now come." How he has spent his time in his retirement, whilst it pleased Providence to continue to him the powers of his will and understanding, the public are partly acquainted, by the publication of his Translation of the Holy Scriptures, and his Synopsis of the New Testament. Of the former work, I have heard him observe, that, however it might be received by the world, it had been blessed to himself; and I believe the latter work has been received as a valuable addition to the Christian's library.

When I last saw this venerable man, he had suffered much from the decay of nature, and his mind was in ruins; but it was the ruin of a place that had been dedicated to pious and hallowed purposes, and the remains of its fitness and proportions were still apparent.

Major Alexander Garden, in his well devised and popular collection of *Anecdotes of the Revolutionary War*, has assigned a section to the "conduct of the whig ladies;" and certainly it is not the least engaging of the volume. Mrs. Thomson, introduced into the foregoing narrative, deserved more than a page in it:—we cannot refrain from offering, for the honour, another candidate, whose claim has not yet been asserted. We proceed to specify her name and title.

When the British army held possession of Philadelphia, General Howe's head quarters were in Second street, the fourth door below Spruce, in a house which was before occupied by General Cadwalader. Directly opposite, resided William and Lydia Darrah, members of the Society of Friends. A superior officer of the British army, believed to be the Adjutant General, fixed upon one of their chambers, a back room, for private conference; and two of them frequently met there, with fire and candles, in close consultation. About the 2d of December, the Adjutant General told Lydia that they would be in the room at seven o'clock, and

remain late; and that they wished the family to retire early to bed; adding, that when they were going away, they would call her to let them out, and extinguish their fire and candles. She accordingly sent all the family to bed; but, as the officer had been so particular, her curiosity was excited. She took off her shoes, and put her ear to the key-hole of the conclave. She overheard an order read for all the British troops to march out, late in the evening of the fourth, and attack General Washington's army, then encamped at White Marsh. On hearing this, she returned to her chamber and laid herself down. Soon after, the officers knocked at her door, but she rose only at the third summons, having feigned to be asleep. Her mind was so much agitated, that, from this moment, she could neither eat nor sleep; supposing it to be in her power to save the lives of thousands of her countrymen; but not knowing how she was to convey the necessary information to General Washington, nor daring to confide it even to her husband. The time left, was, however, short; she quickly determined to make her way, as soon as possible, to the American outposts. She informed her family, that, as they were in want of flour, she would go to Frankford for some; her husband insisted that she should take with her the servant maid; but, to his surprise, she positively refused. She got access to General Howe, and solicited what he readily granted,—a pass through the British troops on the lines. Leaving her bag at the mill, she hastened towards the American lines, and encountered on her way an American Lieutenant Colonel (Craig) of the light horse, who, with some of his men, was on the look-out for information. He knew her, and inquired whither she was going. She answered, in quest of her son, an officer in the American army; and prayed the Colonel to alight and walk with her. He did so, ordering his troops to keep in sight. To him she disclosed her momentous secret, after having obtained from him the most solemn promise never to betray her individually, since her life might be at stake, with the British. He conducted her to a house near at hand, directed a female in it to give her something to eat, and speeded for head quarters, where he brought General Washington acquainted with what he had heard. Washington made, of course, all preparation for baffling the meditated surprise. Lydia returned home with her flour; sat up alone to watch the movement of the British troops; heard their footsteps; but when they returned, in a few days after, did not dare to ask a question, though solicitous to learn the event. The next evening, the Adjutant General came in, and requested her to walk up to his room, as he wished to put some questions. She followed him in terror; and when he locked the door, and begged her, with an air of mystery, to be seated, she was sure that she was either suspected, or had been betrayed. He inquired earnestly whether any of her family were up the last



night he and the other officer met:—she told him that they all retired at eight o'clock. He observed—"I know *you* were asleep, for I knocked at your chamber door three times before you heard me:—I am entirely at a loss to imagine who gave General Washington information of our intended attack, unless the walls of the house could speak. When we arrived near White Marsh, we found all their cannon mounted, and the troops prepared to receive us; and we have marched back like a parcel of fools."

Such is the substance of Lydia's narrative, heard from her mouth by several most respectable persons of our acquaintance, and implicitly believed by all of them, who knew her character and situation. Marshall, in the third volume of the *Life of Washington*, says, in reference to Howe's scheme—

On the fourth of December, Captain M'Lane, having discovered that an attempt to surprise the American camp at White Marsh was about to be made, immediately communicated the information to the Commander-in-chief. In the evening of the same day, Sir William Howe marched out of Philadelphia, with his whole force, &c.

Mrs. Darrah's auditors, as we have stated, give Craig, as the name of the officer to whom she communicated the information. Whichsoever may have received it, the public benefit that she conferred, must be pronounced inestimable. The loss of many hundred American lives, and even more disastrous consequences, were, in all likelihood, averted by her courageous stratagem.

When we commenced this article, it was our design, to illustrate within its limits, every principal walk of American life, by traits of some of the individuals most distinguished in each, drawn from the biographical works which we have indicated, and original materials which we have gradually accumulated, during the three years past: but we have been, almost insensibly, led into details, which have nearly consumed the space now at our disposal; so that, on the present occasion, we can indulge ourselves further, only in some general observations; reserving for our next number, the tribute which we wish to pay, to others of those statesmen and warriors, who, in liberating the confederated colonies, re-organizing and cementing their union, and founding our vast and expansive *republic*, have done greater good to their country,—higher service to the cause of human dignity and happiness,—than was ever before accomplished by any body of men. We feel regret, even in postponing the celebration—slight and imperfect as ours must be—of the names we have marked for the purpose, in the annals of the different callings. The theme is fruitful and impos-



ing, much beyond the degree, which may be conjectured by persons on either side of the Atlantic, who have not investigated it as diffusively and earnestly, as we have done. The British public, of the present day, do not imagine how many native Americans have received, and deserved, the highest honours of the British universities; have been admitted into the Royal Society, and have seen their works re-printed and otherwise adopted, either in England or Scotland. Our revolution shines in contrast with all others of modern times, not only in the dignity and value of its tenor and results, but in the purity and simplicity of the lives and characters of its leading, or most conspicuous agents. We may adduce for it, too, a modest boast, looking to the foreigners who came spontaneously to its aid. Lafayette, Kosciusko, Pulaski, Steuben, de Kalb, Sterling, Du Portail, Lamoy, brought personal honour, and worth of every kind, to the standard which they espoused. They were fit auxiliaries for a people who had *never* tolerated arbitrary power, in any shape; who desperately resisted, as soon as it was attempted on the part of the mother country; and to whom were unknown, the peculiar crimes, and reptile vices, the depraved habits and countless follies, that are incident to the division of society into widely separated orders—the extremely rich and extremely poor, the privileged and unprivileged, the patrician and plebeian, the lord and the vassal, the king and the subject. The equality in civil and political rights, which is enjoyed and secured under our institutions, and the near approach to equality in fortune and domestic abundance, produced by them and other causes, have had, and continue to exert, a most salutary influence, with regard to general morals and public opinion. On a survey of the personal annals of this nation,—we mean the records of the lives of her distinguished men—the inquirer finds very few instances, indeed, in which dissoluteness or infidelity, can be charged or suspected. The same thing cannot be asserted, of the similar records of any of the great European states, whether ancient or modern. As to those points, we may apply the lines of Juvenal:—

Rari quippe boni; numerus vix est totidem, quot  
Thebarum Portæ aut divitis ostia Nili.

Cowper, the poet, as pure and religious himself, as amiable and successful, on finishing the perusal of the *Lives of the British Poets*, wrote—"after all, it is a melancholy observation, which it is impossible not to make, after having run through this series of poetical lives, that where such shining talents, there should be so little virtue. These luminaries of our country, seem to have been kindled into a brighter blaze than others,

only that their spots might be more noticed ; so much can nature do for our intellectual part, and so little for our moral." Every one, who has read the histories and biographical collections of the ancients, must know that they are fitted to excite those melancholy remarks. Modern European history and biography are, undeniably, open to the same commentary. We have "run through" the sketches, in the numerous volumes of Memoirs, published on the continent of Europe, of late years, and the biographical dictionaries now in a course of publication at Paris; and have risen from them, with the sad reflection, that, while nature and education could do so much for the intellectual part, bad constitutions of government and society, vicious example and safe opportunity, and political convulsions, so completely pervert or extinguish the moral.

It is a striking feature, how many of our celebrated personages were the architects of their own fortunes—rose from obscurity, indigence, or illiteracy. Thus, in the French revolution, a large portion of the successive leaders, both in the civil and the military departments, were of humble origin. But how different their course and their fate, and their relation to the destinies and character of their country, from those of the American patriots! Most of them were swept away by the tempests of faction, which they profligately contributed to raise, or vainly struggled to quell, after having worshipped at the most unholy and fatal shrines. The survivors have furnished ample materials for a *Dictionnaire des Girouettes*, a dictionary of Weathercocks; forming a most deplorable, disgusting picture of selfishness and impudence; of repeated and shameless apostacy, not between domestic parties, or men, with the same principles, but from political and religious institutions and forms, doctrines, modes and persons, diametrically opposite to each other.

With regard to the prevalence of particular merits, some diversity may be observed in the great divisions of our country. In the East, there appear to have been more learning, diligence, authorship, religious zeal, systematic frugality, and early republican principle and resolution—more founders or benefactors of schools and colleges; more ingenious mechanicians. The profession of the Law seems to have flourished, in all parts, with nearly a proportional share of most able members:—that of Medicine has been richest in the middle states. South of the Susquehanna, we find the most brilliant orators; more active and chivalrous military leaders; more liberal and accomplished gentlemen, high-minded, devoted patriots, who exposed their persons and large estates, and endured all losses and priva-

tions, with a zeal, firmness, and even alacrity, that bring to mind the best of the cavaliers in the civil wars of England. Of Merchants, we might name many, scattered over the seaboard, who have exerted a noble and enlightened liberality, and who bore an important share in the work of the Revolution, or in that of subsequent legislation. In the West, we discover a large fund of heroic character, romantic and eventful enterprise, and gallant exploit:—the personal annals of Ohio, Kentucky, and Tennessee, are replete with objects and results, which excite curiosity and admiration. In the history of their Indian wars, the reader has, indeed, a repetition of much of what is so minutely told of those of New-England, in her many volumes on that subject; the incidents and characters bear a resemblance; yet the scenes of action, and the actors, are so far different, as to beget a peculiar interest and important variety. It may be hoped that the western states will do justice to themselves, by early embodying their authentic traditions.

We rejoice, that biographical details are acquiring more vogue and importance in the United States; and trust, that this circumstance will animate the citizens, who possess valuable memoirs or documents, to give them to the world. A nation is judged, as much, perhaps, by its single characters and lives, its exalted and striking men, as by the sum of its power, wealth, learning, or civilization. Perhaps, too, the chief interest and consequence of History lie in the virtues or vices, the designs and acts, and the fortunes and adventures, of individuals; rather than in the aggregate of public occurrences, or the mere movements and effects of battles, sieges, state policy and vicissitudes, general felicities or disasters of what kind soever. We Americans should make our Biography as full as possible,—at least the honourable part of it,—for the credit of our political and social institutions, and as a broader standard of comparison with Europe; an instrumentality in which, as we have already intimated, we have great reason to be satisfied with it, and shall have greater, when it shall be enlarged. The study involves many and precious lessons; mementoes, elevating or depressing, lively or serious. It reminds us of life and energy, glory and power; but, as constantly, of misfortune and *death*.

Optima quæque dies miseris mortalibus ævi  
Prima fugit: subeunt morbi, tristisque senectus  
Et labor, et duræ rapit inclementia mortis.

The records of the venerable dead, in books, are like the monuments in Westminster Abbey, which, if they warmed and excited the authors who visited them, have occasioned, and justly, much solemn moralizing,—very sober conclusions on

the end of all human prowess and strife. We need not state the impression, which is felt in thinking of the multitude of names, in Bayle's Dictionary, for example, which were once so celebrated, and deemed so important in the annals of policy, religion, war, literature, philosophy, and which are now utterly forgotten, or generally unknown. Well might Marcus Antoninus exclaim,—even in his time—"How many men of high renown, with whose praises the world once rang, are now consigned to oblivion; and how many bards and panegyrists, who promised immortality to their names, have, themselves, long since disappeared in the gulf of time!"

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ART. II.—*Elements of Analytic Trigonometry, Plane and Spherical.* By F. R. HASSLER, F. A. P. S. New-York: published by the Author. James Bloomfield, printer. 1826. 8vo. pp. 192.

TRIGONOMETRY, in its several branches, and in the number of its practical applications, forms, perhaps, the most important department of mathematical science. Whether we view it as applied to the simpler business of the land surveyor, and the elementary problems of practical navigation, or extended to the mensuration of the spheroidal surface of the earth, and of the angular positions of those great and distant bodies, that are spread throughout the regions of unbounded space, we feel, in every case, sensible of its value. But it is in the efficient and indispensable aid that it affords to the calculus of modern mathematicians, that we find the highest and most marked instances of its usefulness.

We derive the basis of Trigonometry, like that of almost every branch of our knowledge, from the ancient Greeks; it has, indeed, received from time to time, improvements of the most important character; but we must consider ourselves, even at the present moment, under the deepest obligation to that remarkable people, as well in this instance, as in nearly all the sciences we at present cultivate. Whether it took its rise among them, or whether their Trigonometry was derived from some more early nation, it is impossible, at this day, to determine. The Greeks have been accused of arrogating to themselves, the discoveries and the science of others, and of carefully hiding from posterity the sources whence they obtained them. The Egyptians are frequently considered as the precursors and instructors



of the Greeks. Laboured arguments and eloquent treatises have been drawn up, to maintain the early civilization and advance in knowledge, of this mysterious people. More close investigation of their monuments and remains, seems, however, to lead us daily to the conclusion, that much of this superiority and intelligence is entirely imaginary, and that those of their works, on which the record of their remote progress in science has been supposed to be inscribed, are the productions of a later period—the imperfect reflections, instead of the faint dawnings of the light that blazed in Greece.

The eloquent Bailly, abandoning the idea that Egypt was the cradle of European science, has sought it in a nation residing in central Asia, whose name, whose monuments, and whose language, are long forgotten, and of which no trace remains but the imperfect fragments of their astronomic science, preserved, but not understood, by the Chaldeans of the age of Alexander, the Chinese, and the Hindoos of our own times. A late most able and competent judge, Delambre, has stripped this fabled nation of its honours, and shown most conclusively, that the writings of the later Greeks, are, in truth, the basis of all the boasted learning of Hindostan and China, which countries probably received them through the intervention of the Arabs, who preserved, cultivated, and even improved some of the branches in which the Greeks made so marked and rapid a progress.

Wherever we may seek for the origin of the Mathematics, it is to be confessed, that we are to look to the writings of the Grecian geometers for its earliest and most authentic records—for its most elegant and accurate methods. If the progress of the moderns has rendered many of their writings obsolete; pointed out shorter and more advantageous roads to the common end; and finally extended the applications of the science to objects that might, at first sight, appear beyond the reach of human investigation; we may, notwithstanding, consult them with advantage, as the finest models of close and accurate argument, and as the best exercise that has ever been discovered for the improvement of the reasoning faculty.

The time of the origin of trigonometry among the Greeks, is extremely well defined, and marked by circumstances and facts so pointed, as to leave no doubt as to its exact era. Archimedes was born in the year 287 before Christ. He is said to have travelled in his youth into Egypt, to acquire the knowledge taught by the priests of that country. However this may be, he was certainly not only acquainted with all the science of his own country, but made to it many additions. His *Are-*

*narius* is a work written for the purpose of showing the extension of which the system of numerical symbols employed by him, was capable. In it, he undertakes to prove, that the number of grains of sand contained in the globe of the earth, is not, as was at the time maintained, infinite, but capable of expression in the notation then in use; and that, if it were even applied to the number of grains contained in the greater sphere, whose radius is the distance of the earth and sun, they would still admit of a numerical expression. In the course of his investigation, it becomes necessary for him to determine the diameter of the sun. The observation, he states he made for the purpose, is, perhaps, less rude than might have been anticipated from the state of the mechanic arts; but when he attempts to obtain the result, he is compelled to have recourse to a mere graphical process, and shows conclusively, that he is unacquainted with any mode of determining, by calculation, the measure of the angle at the vertex of an isosceles triangle, when the base, and the two equal sides are given. As this is one of the easiest cases of practical plane trigonometry, we may of course infer, that any mode of applying calculation to the determination of the unknown parts of triangles, from others that are given, was as yet undiscovered, with the sole exception of the cases that may be solved by the aid of the famous proposition of Pythagoras.

This proposition has reached us in the collection of the geometrical knowledge of his times, made by the celebrated Euclid—this knowledge he methodised, arranged, and reduced to one common method. In his elements of geometry, we find several other propositions essential as the foundation of trigonometry, but no trace of any method of calculation, other than the case above mentioned. His first book contains, besides the Pythagorean proposition, several that are important in showing the nature of triangles, gives the determination of the sum of their angles, and the value of their surface in terms of their base, and perpendicular altitude. In his second book, we find a remarkable proposition, in respect to the difference between the sum of the squares of any two sides of any triangle, and the square of the third side; a proposition that is, however, incapable of being reduced to practice, without the aid of a method for calculating the unknown parts of triangles from others that are given. This proposition is now concisely stated as follows:

$$a^2 = b^2 + c^2 - 2 bc. \cos. A.$$

In his third book, we find the useful theorem, that the line

which joins the centres of two circles, that touch each other, passes through the point of contact; a variety of indispensable properties of chords and tangents; and particularly the relation between the angle at the centre of a circle, and those at its circumference, which stand upon the same chord, a proposition that formed, as we shall hereafter see, the basis of the trigonometry of the Greeks. The fourth treats of polygons circumscribed about, or inscribed in the circle. The sixth gives the theory of the proportions of the sides of rectilineal figures. The eleventh contains propositions in respect to planes, solid angles, and the solids themselves, that may be made, as has been done in the treatise we have under consideration, the basis of spherical trigonometry. In all this, however, there is no trace of trigonometry, properly so called. The propositions we have mentioned are absolutely necessary as its basis, but with the exception of the forty-seventh of book first, are of no value in their direct application to calculation.

Hipparchus, although less celebrated than Archimedes, or Euclid, as a geometer, was, perhaps, the most extraordinary proficient in mathematical science of all antiquity. He was little later than Archimedes in point of time, but was possessed of knowledge far more extended. Like Newton, he pointed out a path, and proposed methods, that it required the assiduous labour of centuries to fill up. He first detected the inequalities of the lunar motion, and in the calculation by which he proves that they exist, as recorded by the most eminent of his successors, he makes use of several of the cases of plane trigonometry. But in his inquiry into the position of those constellations, whose rising is cotemporaneous in the latitude of Rhodes, he manifests his acquaintance with a method of calculating spherical triangles. As this fact is elicited from an examination of his commentary upon the works of one of his most eminent and immediate predecessors, who evidently did not possess this engine of discovery, we consider ourselves warranted in ascribing to Hipparchus, the introduction of spherical, if not of plane trigonometry. As there appears to have been no improvement of any moment made upon the methods of Hipparchus for upwards of a thousand years, an examination into their nature and principles, will not, we trust, be uninteresting to our readers.

The Greeks were unacquainted with that beautiful and simple arithmetical notation, that seems to have been first used in India, but which we owe directly to the Arabs. They were not, however, without one of no small merit, and which wanted, in the hands of one of their calculators, but a single step, to have



made it, in every respect, except simplicity, equal to that now in use. Instead of our nine characters, that represent numbers, they employed the several letters of their alphabet. The first nine of these, corresponded with our digits; the next eight, with an additional character, stood for the series of decimal numbers, from 10 to 90, the remaining eight letters, with a second arbitrary character, represented the series of centurial numbers, from 100 to 900. To express the first nine thousands, they had again recourse to the first nine letters of the alphabet, with a distinctive mark. To represent the myriad, or ten thousand, they made use of its capital initial letter, or M, and the number of myriads was denoted, by means of the letters denoting the inferior denominations of the decimal scale. They were thus enabled to express any number less than 1000 myriads; or, in our notation, one hundred millions. Archimedes, in his *Arenarius*, proposes to take this as a new unit in a second system of numbers, styled by him of the second order; in this way, the expression of any number, less than that which we write by means of a unit followed by sixteen 0's, might have been obtained. We, however, know of no instance in which this plan was reduced to practical application. Indeed, the magnitude of their several units of weight, money, and lineal measure, was such, as even at the present day to have required fewer numbers to express such quantity of them, as might become the object of calculation; while in the state of their commerce, and when a much higher value was attached to the precious metals, the first part of the system was amply sufficient for all their purposes. From what has been said, it will be seen, that the system of notation, of the Greeks, was essentially and strictly decimal. But it was less simple than ours, inasmuch as it employed twenty-eight different characters, and wanted that part of our system by which, in consequence of the use we make of the cypher, the value of any number is determined, from the place it holds in the written expression. Although they thus obtained an ascending scale, according to a decimal system, they stopped short of its application to portions of the unit, or had no system of decimal fractions. Their calculations, in ordinary transactions, were hence rendered difficult; but in their trigonometry, would have become impossible, in their notation, from the multitude of numerical symbols that would have been required, had it not been for the happy introduction of a sexagesimal division in the descending scale. The radius of a circle, corresponding in magnitude to the chord of sixty degrees, was by them divided into sixty equal parts, which probably suggested the farther subdivision



of these parts, each in sixty others; each of the latter, was again subdivided into sixty more, and so on. The radius then was equal to 216,000 of the second order of these subdivisions, and would give them an exactness in their calculations, more than double what is attainable by taking a radius equal to 100,000 units, or by tables of the natural trigonometric functions, to five places of decimals. But such a degree of exactitude was only arrived at by long and painful steps. All their problems were stated as propositions, which required at least one multiplication and a division in their solution. Multiplication and division, in their sexagesimal method, was performed upon a principle we still apply to the former, in a few cases of complex fractions, and which goes, in our common books of arithmetic, by the name of *Cross Multiplication*.

To prevent the accumulation of work, the lower denominations of the products were neglected in each successive operation. The basis of the solutions of the cases of plane trigonometry, rested upon the fact, that any triangle can be circumscribed by a circle; each of its sides, then, becomes the chord of an arc, and the sum of the three arcs, is the whole circumference; and as each of these arcs, is the measure of the angle at the centre, which is double the angle at the circumference, each side is, of course, the chord of twice the opposite angle. If then the sides were expressed in any known measure, they would be to each other, in the ratio of the chords of twice the opposite angles; and by the analogies that may be deduced from this proposition, every case of plane trigonometry is soluble. To facilitate their calculations, tables were constructed, containing the value of the chords, in terms of the sexagesimal division of the radius.

From this fundamental proposition of plane trigonometry, every case of spherical might have been deduced and solved, by means of the table of chords; but three of these cases appear to have escaped the investigation of the Greeks, namely, those where two sides and the included angle, the three sides, and the three angles, are given. Their most improved modes of calculation were, therefore, not only painful from their length, but incomplete in their application to the cases. In this state, trigonometry appears to have rested, from the time of Hipparchus, until that of the Arabians, a space of eleven hundred years. There has come down to our day, a monument that exhibits the extent to which graphic processes, founded upon these principles, were carried; the temple of the Winds, at Athens, has upon its eight faces, as many dials, and the construction of these is so true, as to show as great a de-

gree of accuracy as the case is susceptible of; more, indeed, could not, nor will be done, by the methods of the moderns.

The most extensive collection of the trigonometry of the Greeks, is to be found in the works of Ptolemy, an astronomer of the city of Alexandria. We also find some few details, but of far less importance, in the treatises of Menelaus, and Theodosius; all of these were subsequent to the commencement of our era, and more than two hundred years later than Hipparchus, from whom, it is evident, that they derived all their methods of calculation.

The next important improvement in trigonometry, that we have to notice, was made by the Arabs, under the reign of the Caliphs. One of these, Al-Mamoun, the son of Haroun Al-raschid, so famous in fictitious history, was a most munificent patron of literature and science. He collected, at great pains and expense, the works of the Greek Mathematicians, and thus laid the foundation of a school of the science, that flourished, in the vast regions over which the Saracen arms extended their sway, for near five centuries. A few years after his death, we meet with the name of Albategni, an Arab prince, who not only made himself master of all the trigonometrical knowledge of the Greeks, but extended it in a most important direction. In Ptolemy's account of the use of an instrument called the Analemma, intended for the purpose of facilitating the construction of dials, we find him using the half chords, instead of the chords themselves. But this is an operation purely graphic and experimental, and there is no trace of their having been used by him for the purpose of calculation. Albategni appears to have derived from this, the hint of his important improvement. The diameter, says he, which divides an arc of a circle into two equal parts, divides its chord into two equal parts also, which have each to the radius, the same ratio that the chord has to the diameter. In calculations, then, instead of doubling the angle of a triangle, and using the chord of the double arc, the simple angle may be used, by means of the half chord. These half chords were introduced by him into his calculations, and tables constructed to render their employment more easy. To these half chords, we apply the name *sine*; some have supposed, that this term is an abbreviation of the method of writing *semis inscriptarum*, *s. ins*; but Delambre, with more probability, states, that the Latin *sinus*, is a literal translation of the name given to them by the Arabs. Albategni also discovered the properties, and made use of versed sines. His tables were still sexagesimal, being constructed by a binary division of the chords of the Greeks. In addition to

these improvements in the method of calculation, we find him in possession of the theorem, by which the angles of a spherical triangle may be determined, when the sides are given; a theorem, as has been seen, unknown to the Greeks.

Ebn Jormis, who followed Albategni, at an interval of about a century, was in possession of the mode of using the tangents, and secants, and what is still more remarkable, appears to have employed, in order to simplify his calculations, subsidiary arcs, now so frequently employed in astronomical calculations, but which were not re-invented in Europe, before the middle of the eighteenth century. To these tangents, the Arabs gave the name of shadows, thus referring their origin to the use of the gnomon, the earliest of all astronomical instruments, and in which the properties of the tangent are so obvious, that it appears strange that they could have so long escaped notice. The tangents of Ebn Jormis were calculated to a radius of 12 digits, but his cotemporary, Aboul Wefa, made them commensurable with the sines, by introducing the sexagesimal division. It will be thus seen, that the Arabs were acquainted with all the trigonometrical functions that are at present employed, and indeed, of two, the versed sine and secant, that however valuable in their restricted methods of calculation, are no longer of any real use in practical trigonometry.\* Decimal arithmetic, in the form we now employ it, had also reached them from Hindostan, but they did not make use of it in their trigonometrical calculations. This has been made to them a subject of reproach, but in truth, before the introduction of logarithms, the application of the decimal scale is rather an increase of the labour of calculation, than any actual facility.

The first cultivators of trigonometry, in modern Europe, were rather the translators and commentators of the Arabians, than either inventors or improvers. Among them are to be named, as the most eminent, Purbach, Reinhold, Maurolycus and Regiomontanus. But they were not aware of the value and extent of the principles on which they rested their methods. This is most remarkable, in the case of the tangents, the importance of which they do not appear to have understood, and in whose use they appear to have made less progress than their predecessors, the Arabs. It is in the works of Vieta, that we first discover a complete system of trigonometry. He lived towards the close of the sixteenth century, and of all the authors who have written upon this subject, *with the single exception*

\* We do not pretend to derive our acquaintance with the trigonometry of the Arabs from their own works, even in translation, but have to acknowledge our obligations to Delambre's treatise.

of Hipparchus, has shown most genius. His tables contain, for the first time united, the sines and cosines, the tangents and cotangents, the secants and cosecants, to every minute of the quadrant; and among his analytic formulæ, are to be found many that escaped the notice of his immediate successors, and remained to be re-discovered by recent investigations. Thus, for instance, he treated, in a new and complete manner, the theory of angular sections; gave expressions for the chords of multiple arcs, in terms of the chord of the simple arc, expressions which it is easy to change to those in which the sine is used; he also investigated expressions, whence may be deduced, the first and second differences of the sines, by the aid of which, tables of that function may be constructed by successive additions; and actually applied this principle to the formation of the table of tangents and secants, for the half of the quadrant. Regiomontanus' table of sines, is calculated to a radius of 60,000, but Vieta first introduced the decimal division in its full extent, employing a radius of 100,000, and thus prepared the way for the calculation of our present logarithms of trigonometrical functions. This division also formed the basis of our method of decimal fractions, which came gradually into use after this period, being at first written with their decimal denominator, then with a symbol in its place, and finally, in the same line with the whole numbers, distinguished merely by a separating point.

From the time of Vieta, to that of Euler, the theory of trigonometry was rather retrograde than progressive; but the methods of calculation derived constant improvements from the extension of the tables of the natural functions, and finally, from the introduction of logarithms, one of the most important and useful discoveries that ever conferred immortality on the inventor.

Archimedes, in his proposed extension of the arithmetic of the Greeks, to the possible expression of the number of grains of sand in a sphere of very great diameter, had pointed out the use of numbers of several orders, the unit of each of which should be the highest number of the order next below, and had shown that by arithmetical operations, upon the numbers of the lower orders, he could obtain the result of the combinations of the higher, without making them the objects of direct calculation. But he limited his views to the mere terms of the higher series; and the idea of interpolating fractions into the lower orders, by way of making them correspond to all the intermediate whole numbers of the higher, does not appear to have occurred to him. In his application of his principle, he limited



himself to the case, that, as the lower orders were in arithmetic progression, while the higher were in geometric, the *addition* of those of the former series, would give a term, whence the number arising from the multiplication of the corresponding terms, in the geometric proportion, could be obtained. The converse of this is also true, although not stated by him, and subtraction in the arithmetic series, gives a term corresponding in its place with that which might be obtained by the division of numbers in geometric ratio. He had no need of the latter principle, and although he must have seen it, does not explain it.

At the period when Napier made his happy and important discovery, the ardour with which science, and particularly the subject of astronomy, began to be pursued in Europe, loudly called for some mode, by which calculations, tedious when rare, but rendered so in a tenfold ratio by their more frequent recurrence, might be abridged. We shall have some idea of the magnitude of these labours, when we consider that the trigonometric tables frequently extended to ten places of numbers, and that no great degree of accuracy could be obtained by the use of less than seven; the simplest calculation called for at least one multiplication of such a number, by another of the same extended rotation, and at least one division of the product by a third. Not only was the labour vast, but the risk of mistake in the calculation was increased with its length, and at the same time, the difficulty of detecting errors. Such experience led the Greeks to the invention of their sexagesimal notation. If by it, the operations were not abridged, they were at least rendered more easy, as no number of more than two figures, was ever at one time the object of calculation, and it could never exceed 59. This notation had, however, other inconveniences, which led to its being abandoned, and a decimal notation in trigonometric functions came into use, along with the decimal arithmetic, in Europe. They even found in trigonometric formulæ, a method by which the multiplications might be replaced by successive additions and subtractions. But this method, called *Prosta pheresis*, frequently required as much labour in the preparation, as it saved in the calculation.

The principles of constructing, and the methods of applying tables of logarithms, are so well understood, that it would be, at the present day, a work of supererogation to enter into this subject at any great length. It is sufficient to say, that the inventor himself did not either apply the two series in their best relation to each other, or extend his calculations so far as to render them of any great practical value. It was sufficient glory for him to have pointed out the path to his successors, and he

died before he had time to put the finishing hand to his work. The formulæ for calculation, which had been assiduously sought in Europe up to his time, were those which contained the greatest number of additions and subtractions. For the efficient use of logarithms, every operation should be a multiplication or division, which are performed by the addition or subtraction of the corresponding logarithms. It was necessary, therefore, to tread back the steps that had been made, and to return nearly to the original analogies of the Greeks. These, however, Napier simplified, and reduced to a more convenient form, and his analogies are still of much utility in the calculations of spherical trigonometry.

The form in which we now employ logarithms, is due to Briggs, the friend and correspondent of Napier. After years of immense labour, he completed tables of the logarithms of numbers, from 1 to 20,000, and from 90,000 to 100,000, to fourteen places of decimals; and as this table is insufficient, without that of the angular functions, he prepared one, which, however, did not see the light until after his death. These are also extended to fourteen places of decimals, and are given for every thousandth part of a sexagesimal degree of the quadrant. In preparing them, it was necessary to perform the previous labour of calculating the natural sines and tangents, to the same minuteness of division. This decimal form has, however, excluded them from general use, but the merit is not the less, and his zeal as a calculator, has, perhaps, never been equalled, unless in the work of Prony, for the French *Cadastré*, which has not, however, been printed.

The tables of the logarithms of angular functions, that are now in use, are almost all copied from the work of Vlacq. This calculator had the advantage of taking the numbers denoting the natural sines and tangents, from the great work of Rheticus, *Opus Palatinum de Triangulis*,\* to whom we therefore owe the basis of all the tables used at the present day, however various in form. The best tables of a portable size are those of Gardiner, Taylor, and Callet; the first of which is out of print, the second inconvenient in its shape, and in its use; so that those of Callet, of much less cost, are to be preferred.

The numerous formulæ contrived for the abridgment of the labour of calculation, being rendered, in a great degree, unnecessary, by the introduction of logarithms, calculators for a

\* The works of Vieta and Rheticus are to be found in the rich library of classical mathematics collected by Mr. Hassler, and now added to the collection at West Point. The original tables of Vlacq are in the library of Columbia College, New-York.

long time restricted themselves to the analogies of Napier, and his famous rule of the Circular Parts; while, on the other hand, as the whole labour of preparing logarithmic tables had been performed by Briggs and Vlacq, the formulæ for that purpose had become matters of mere curiosity. Hence arose a neglect of theoretic trigonometry; the usual books of the schools were limited to such propositions as served to demonstrate the few theorems to which the practice was now reduced. But it will be obvious, that such is the difference in the law by which the different angular functions increase, that they do not equally apply to the various relations which the same problem may assume in respect to the magnitude of its data, and hence methods are requisite, by which analogies, resting upon one trigonometric function, may be converted into those which employ another, when the relation of the parts is such, as to render the result of the customary formula uncertain. This might, indeed, be performed geometrically, but may be effected much more readily by the investigation of certain analytic expressions of the relations of the different functions. Hence the usual method employed in the colleges of this country, the geometric, may be considered as either inadequate to the purpose, or, when made adequate, much too laborious to the student. The work most frequently made the object of study in trigonometry, is that of Simpson, a treatise purely geometric, and which, for clearness, precision, and close reasoning, may fairly rank with the works of the ancient mathematicians. But the utmost extent to which it will carry the student, is extremely limited, as it neither furnishes any rules for the transformation of his analogies when not adapted to the data, nor any illustration of those properties on which the construction of tables is founded. The very analogical form, in which his problems are expressed, is far less convenient than that of equations, whilst the constant recurrence of Radius as one of the terms, a quantity which is to be entirely neglected in a properly conducted calculation, forms a constant difficulty to the learner. But the strongest objection is, that the very language of the book is obsolete; it boots not to dispute whether the geometric or analytic method in trigonometry be the better; the former is no longer in use in any modern writer of reputation, and the student whose opportunities of learning have been limited to it, will have his whole labour to renew, before he can read a page of any eminent author of the present day.

The present form of the analytic treatment of trigonometry originated with Euler. As he proceeded from step to step in his improvements in the calculus, applied to rational mechanics,

this view of their nature. This has been at last done by Mr. Hassler.

Among the three sides of a right angled triangle, combined by pairs, there exist six possible relations or ratios; each of these may be represented by a vulgar fraction, (proper or improper), of which the sides under consideration, constitute the numerator and denominator; this may, of course, be expressed by the decimal notation, and this expression will be a function of one of the acute angles. If the relation be that of the hypotenuse to the side adjacent to an angle, it is the cosine; if of the hypotenuse to the opposite side, it is the sine; if of the side adjacent to an angle, to that opposite, it is the cotangent; and if of the opposite to the adjacent side, the tangent. The two remaining relations give the secant and cosecant, but they are now no longer necessary in calculation. If to this we add the Pythagorean proposition, that the square of the hypotenuse is equal to the sum of the squares of the two sides, we have the basis upon which Mr. Hassler has built a complete system of the elements of Plane Trigonometry, and of what is frequently called the Arithmetic of Sines; which system requires no farther preliminary knowledge in the learner, than the first forty-seven propositions of Euclid, the four rules of arithmetic, the fundamental principle of proportion, and the solution of simple equations. We question if there be any work in modern mathematics, so simple in its basis, so clear and easy in its steps, and so full and complete in its deductions.

His spherical trigonometry requires, in addition, a knowledge of a few of the propositions of solid geometry, contained in the eleventh book of Euclid, and he has chosen as his fundamental theorem, the equations between the parts of the four right angled plane triangles, surrounding a right angled spherical triangle, instead of the more usual method of deducing the formula for an oblique angled triangle, from the plane triangle touching it at one of its angles. In this mode of proceeding, the analytic steps, that lead to the subsequent formulæ, are more simple than in the other.

The object of the work being purely elementary, the author has not conceived that the many practical purposes to which it may be applied, come fairly within his scope. He has, however, arranged all his practical formulæ in tables, and given instances of their calculation, in such a way as not only to show the manner of using each, but to give clear and precise ideas of the manner of arranging calculations, in such a way as to abridge labour, and render their examination more easy; these examples may be studied, and the chapter on the general



principles of calculation consulted, with advantage, even by those most proficient in the science.

Mr. Hassler then may be considered as having performed the same task in this elementary department, that Laplace has in the more important and elevated branch of celestial mechanics, that of combining and arranging the discoveries of his predecessors, and reducing them to one common method. His work is, indeed, far more humble in its design, but little less useful in its object; for if Laplace have presented the higher mathematics in a more clear and condensed light, Mr. Hassler has, in like manner, illuminated one of the most important preliminary steps to that sublime object; a step not only important, as absolutely necessary to the student of more elevated science, but from its direct application to various useful and practical purposes.

From what has been said in relation to the manner in which analytic trigonometry was built up, and from the numerous names of eminent men, who have been concerned in bringing it to its present state, we must confess that we entered upon the examination of this treatise without anticipating any novelty, except in the treatment, and the methods of investigation. We have, however, discovered one formula entirely new to us, and which, so far as we know, had escaped the research of any former analyst—it is that of a series for the tangent of a multiple arc, applicable to the calculation of tables of that trigonometric function. The usual series for this purpose is expressed in a fractional form, and is, of course, more complex in calculation than those for the sine and cosine. Our author has succeeded completely in rendering this series as simple in its shape as the others, and has thus rendered a most important service to those who may be hereafter engaged in the construction of tables.

Upon the whole, then, we cannot but congratulate ourselves, that it should have fallen to our lot, at the commencement of our career as reviewers, to call the attention of our readers to such a work; a work that will afford to foreign nations a high idea of the state of knowledge in our country; and which, as the production of an adopted citizen, who, although educated in his native land, first applied himself to mathematical science, as a profession, in our country, and drew it up originally for the use of an institution\* supported at the public expense, is unquestionably national.

\* The Military Academy at West Point, where Mr. Hassler acted as Professor of Mathematics, before he proceeded to Europe to procure instruments for the survey of the coast.

To conclude: we cannot too strongly recommend the introduction of this treatise, as a text book, into the colleges and universities of the United States. We have expressed our opinion of the geometric method, and believe it must be abandoned; a step to which has already been made in the translation of Lacroix for Harvard University. But the work before us is far simpler in its basis than that of Lacroix; more elementary and direct in its attainment of the parts applicable to ordinary calculations; and far more extensive in its views and objects.

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ART. III.—*A Selection of Eulogies, pronounced in the several States, in Honour of those illustrious Patriots and Statesmen, JOHN ADAMS and THOMAS JEFFERSON.* Hartford: published by D. F. Robinson & Co., and Norton & Russell. 1826. 8vo. pp. 426.

WE have before us a volume bearing this title, published at Hartford, in Connecticut, together with a single eulogy in a pamphlet form, delivered at Charleston, in Massachusetts, by Edward Everett esq.; comprising altogether twenty panegyrical orations.—It is a circumstance of national congratulation, and encouraging to our patriotic hopes, upon the decease of our distinguished benefactors, to find the learning and eloquence of our country so readily enlisted in the task of celebrating their talents and services. One of the natural and most amiable tendencies of the human heart, is, to bestow honours upon the meritorious dead—and, perhaps, the gratitude of nations is seldom more usefully employed, than when erecting monuments over the ashes of their departed worthies—If Christian states cannot, like the Pagans, elevate their heroes and sages to stations among the gods, and, after the ceremony of their deification, anticipate beneficial influences from their future sway within the system of nature, they can, at least, by public demonstrations of gratitude and affection, sow the seeds which shall produce future sages, statesmen and patriots, who shall become emulous of the talents and virtues of their predecessors, and be animated to like achievements in their country's service. This was one of the expedients by which Greece and Rome anciently produced that bright succession of heroes, statesmen, philosophers, poets and orators, who have conferred upon their names such deserved celebrity.

The orators, therefore, who have devoted their learning and

eloquence to pronouncing funeral orations over our two lamented presidents, have deserved well of their country. The task which they undertook, is a delicate and interesting one, but very difficult of execution. Perhaps, there is scarcely any literary performance, which, in order to a finished execution, requires a more skilful operation, or a more masterly hand, than that of a funeral oration. It is an easy task, indeed, to the orator, to indulge in hyperbolical encomiums, and to render himself and his audience giddy by glittering images, bombastic phrases, and overwrought delineations of ideal greatness—but aptly to decide upon the distinctive merits of those whose panegyric we undertake to pronounce, seize with accuracy their traits of character, assign them their due proportion of praise, and extol their talents and virtues in a style elevated, indeed, and sufficiently ornamented to meet the public expectation; but not swoln or florid; chastened and simple, but not tame; requires a mind not only of the highest order of native endowments, but also furnished with the treasures of literature. As Cicero justly remarks, in his treatise upon oratory, there is a style suited to each kind of speaking and writing.—*Nam, says he, et causæ capitis alium quendam verborum sonum requirunt, alium rerum privatarum atque parvarum; et aliud dicendi genus deliberationes, aliud laudationes, aliud judicia, aliud sermones, aliud consolatio, aliud objurgatis, aliud disputatio, aliud historia desiderat.*

In philosophical disquisitions, a just taste expects nothing more than neatness, simplicity and perspicuity; in history, these qualities, added to a talent at description; in oratory, a more free indulgence of ornament, and in panegyrics, the highest degree of legitimate decoration. As panegyrical orations are delivered with the professed purpose of pleasing, and have not within their scope either to instruct or persuade, a liberal criticism must allow them a range of embellishment, limited only by the principles of sound sense and correct taste. This rule seems to have its foundation in the acknowledged barrenness of the subject, as well as in that state of admiration and enthusiasm to which the minds of all, on such occasions, are excited. It is expressly allowed by Quintilian upon those grounds:—*Quoque, says he, quid natura magis asperum, hoc pluribus condiendum est voluptatibus: et nimis suspecta argumentatio, dissimulatione; et multum ad fidem adjuvat audientis voluptas.* As each kind of writing has its characteristic excellencies, so each also has excesses to which it immediately tends. The natural tendency of eulogies is to excessive exaggeration in

praise, overstrained similitudes, and bombastic representations of characters and events.

In regard to those eulogies which we have undertaken to notice, it may be remarked, that there is a very great disparity in their degrees of excellence. The most finished pieces among them, are those of Messrs. Webster, Sergeant, Peleg Sprague, Duer, and Wilkins. These would not discredit any age or nation. Those of Joseph E. Sprague, of Massachusetts, and of William Johnson, of South Carolina, are very respectable productions. The piece of Mr. Wirt, discovers in many parts great fertility of fancy and considerable native genius, but is too florid and declamatory, and is altogether in a style more adapted to poetry than to prose. Mr. Everett's oration also, is not without its beauties, and discovers an imagination enriched with classic learning; but we cannot refrain from the observation, that it is, throughout, bespangled with too much ornament, laboured and artificial; and discovers but too plainly, that the author is more intent upon setting off his own rhetorical powers to advantage, than recommending the good and great qualities of the deceased patriots. Concerning the remainder of these orations, it may be said, that while some of them are by no means destitute of merit, for the most part they are so tawdry and inflated, and so stuffed with conceits, peculiarities and overstrained hyperboles, that the fruit of whatever good sense may be contained in them, is completely overshadowed and obscured, by the superabundant efflorescence in figures. Their authors appear to be tugging, sweating, and spurring onwards their lagging invention, to reach the sublime; but unhappily, failing in the attempt, sink into bathos.

To proceed, and make good our assertions, by a recurrence to the several pieces in their turn. That circumstance which so greatly increased the sensibility of the American people, upon their late privation, was rather a disadvantage to the orators, who were called upon to utter the sentiments, and awake the sympathies of their fellow-citizens on that solemn occasion; viz. that they were constrained to portray the characters, and commemorate the lives and deaths of *two* distinguished patriots at the same time, and of patriots too, who performed similar parts in the same drama. This breaks in upon that unity of subject, which attracts attention, and enlists the feelings in behalf of the personages concerned; it subjects the speaker to the necessity of a second recurrence to the same events, which, under other circumstances, would be tedious, irksome and inelegant. Under this disadvantage of the subject, however, several of the speakers have acquitted themselves with considerable address,



and detailed the events in both lives with sufficient neatness, clearness, and beauty.

To begin with the several exordiums.—We are presented in these with specimens of almost every imaginable kind, from the most finished introduction, to a model of the reverse. Mr. Webster's introduction is natural, manly, and striking; Mr. Duer's neat, perspicuous, and interesting; that of Mr. Wilkins impressive; and that of Mr. Sergeant exceedingly good. If Mr. Sergeant had gone through the toil of composing a regular and complete eulogium, and had succeeded as well throughout the whole, as he has done in his introduction; we should regard it as one of the finest of panegyrics. We shall present it to our readers, in order that they may judge of it for themselves.

"Time, in its course, has produced a striking epoch in the history of our favoured country; and as if to mark with peculiar emphasis this interesting stage of our national existence, it comes to us accompanied with incidents calculated to make a powerful and lasting impression. The dawn of the fiftieth Anniversary of Independence beamed upon two venerable and illustrious citizens, to whom, under Providence, a nation acknowledged itself greatly indebted for the event which the day was set apart to commemorate. The one was the author, the other "the ablest advocate," of that solemn assertion of right, that heroic defiance of unjust power, which, in the midst of difficulty and danger, proclaimed the determination to assume a separate and equal station among the powers of the earth, and declared to the world the causes which impelled to this decision. Both had stood by their country, with unabated ardour and unwavering fortitude, through every vicissitude of her fortune, until "the glorious day" of her final triumph crowned their labours and their sacrifices with complete success. With equal solicitude, and with equal warmth of patriotic affection, they devoted their great faculties, which had been employed in vindicating the rights of their country, to construct for her, upon deep and strong foundations, the solid edifice of social order and of civil and religious freedom. They had both held the highest public employment, and were distinguished by the highest honours the nation could confer. Arrived at an age when nature seems to demand repose, each had retired to the spot from which the public exigencies had first called him—his public labours ended, his work accomplished, his beloved country prosperous and happy—there to indulge in the blessed retrospect of a well-spent life, and await that period which comes to all. But not to await it in idleness or indifference. The same spirit of active benevolence, which made the meridian of their lives resplendent with glory, continued to shed its lustre upon their evening path. Still intent upon doing good, still devoted to the great cause of

human happiness and improvement, neither of these illustrious men relaxed in his exertions. They seemed only to concentrate their energy, as age and increasing infirmity contracted the circle of action, bestowing, without ostentation, their latest efforts upon the state and neighbourhood in which they resided. There, with patriarchal simplicity, they lived, the objects of a nation's grateful remembrance and affection; the living records of a nation's history; the charm of an age which they delighted, adorned, and instructed by their vivid sketches of times that are past; and, as it were, the embodied spirit of the revolution itself, in all its purity and force, diffusing its wholesome influence through the generations that have succeeded, rebuking every sinister design, and invigorating every manly and virtuous resolution.

The Jubilee came. The great national commemoration of a nation's birth. The fiftieth year of deliverance from foreign rule, wrought out by the exertions and sufferings and sacrifices of the patriots of the revolution. It found these illustrious and venerable men, full of honours and full of years, animated with the proud recollection of the times in which they had borne so distinguished a part, and cheered by the beneficent and expanding influence of their patriotic labours. The eyes of a nation were turned towards them with affection and reverence. They heard the first song of triumph on that memorable day. As the voice of millions of free-men rose in sounds of gratitude and joy, they both sunk gently to rest, and their spirits departed in the midst of the swelling chorus of national enthusiasm.

Death has thus placed his seal upon the lives of these two eminent men with impressive solemnity. A gracious Providence, whose favours have been so often manifested in mercy to our country, has been pleased to allow them an unusual length of time, and an uncommon continuance of their extraordinary faculties. They have been, as it were, united in death; and they have both, in a most signal manner, been associated with the great event which they so largely contributed to produce. Henceforward the names of Jefferson and Adams can never be separated from the Declaration of Independence. Whilst that venerated instrument shall continue to exist, as long as its sacred spirit shall dwell with the people of this nation, or the free institutions that have grown out of it be preserved and respected, so long will our children, and our children's children to the latest generation, bless the names of these our illustrious benefactors, and cherish their memory with reverential respect. The Jubilee, at each return, will bring back, with renovated force, the lives and the deaths of these distinguished men; and history, with the simple pencil of truth, sketching the wonderful coincidence, will, for once at least, set at defiance all the powers of poetry and romance.

The dispensation which has thus connected itself with the first Jubilee of our Independence, mingling with our festivities the

parting benediction, and the final farewell of our two illustrious countrymen, cannot fail to bring with it the most serious reflections. Marked, as it is, by such an extraordinary coincidence, methinks it seems to announce, with solemn emphasis, that henceforward the care of their great work is committed to our hands; that we are to guard, to protect, and to preserve the principles and the institutions which they, at such an expense, have established for our benefit, and for that of our posterity; and may I not add, for the common benefit of mankind. Of the signers of the Declaration of Independence, but one now remains. Health and peace to the evening of his days! The single representative on earth, of the Congress of 1776, he seems to stand between two generations, and to be the visible link that still connects the living with the mighty dead. Of all, indeed, who had a part in the achievement of Independence, "whose counsels aided, or whose arms defended," few and feeble are they who survive. Day by day their numbers are reduced; yet a little while, and they will have followed their illustrious compatriots. Not a footstep will be heard throughout this land, of all who rushed to danger in their country's cause,—not an eye will beam, that borrowed prophetic light from afar to illumine the hour of darkness,—not a heart will beat, whose pulsation was quickened by the animating hope of a glorious triumph."

When he represents Mr. Adams and Jefferson, as "living in patriarchal simplicity, the objects of a nation's grateful remembrance and affection; the living records of a nation's history; the charm of an age which they delighted, adorned, and instructed, by their vivid sketches of times that are past; and, as it were the embodied spirit of the revolution itself, in all its purity and force, diffusing its wholesome influence through the generations that have succeeded, rebuking every sinister design, and invigorating every manly and virtuous resolution;" and again, when he says of Mr. Carroll, that he is now "the single representative on earth of the Congress of 1776, and seems to stand between two generations, and to be the visible link that still connects the living with the mighty dead;" and again, "the Jubilee, at each return, will bring back with renovated force, the lives and the deaths of these distinguished men; and history, with the simple pencil of truth, sketching the wonderful coincidence, will, for once at least, set at defiance all the powers of poetry and romance:" these are strokes of true beauty, and would have been worthy of any orator. There is but a single sentence in these introductory remarks, which, we think, might be improved by amendment. Instead of saying, the "dawn of the fiftieth anniversary beamed upon two venerable and illustrious citizens;" it would have been

better to say, the fiftieth anniversary of Independence dawned upon two venerable and illustrious citizens. The observation applies to all kinds of writing, and is peculiarly applicable to the exordiums of discourse or disquisition; that the less pomp and parade of language, and the less glitter of images, the better. To acquire a relish for true simplicity in writing, is one of the last and highest efforts of taste.

We could wish that the introductions to all these funeral orations could be mentioned with the same approbation as those to which we have just adverted. This, however, is very far from being the case. In some instances, we have what might be denominated thundering exordiums, in which the speakers seemed to think, that, like Bully Bottom, who, when speaking of enacting the lion in the play, said he would roar like the lion, they were to exhibit to their audience a kind of mimic representation, in their style, of the noise of cannon and the acclamations of the people upon the fourth of July.

"The choral strains of triumph, (says one), which cheered the fiftieth anniversary of our country's birth-day, scarce yet have died away upon the listening ear. Hardly is the roar of cannon stilled in silence. The merry bells have but just ceased to ring out their peals of joy, and the shouts of exulting freemen to rise from hill and vale, from city and hamlet, welcoming the glorious morn of our Independence. The trumpet of the Jubilee still pours its spirit-stirring echoes through the land, proclaiming the thrilling sound of liberty to its inhabitants. But hushed, prematurely, is the voice of festivity. Sorrow and lamentation overflow the hearts, lately swelled with gratulation and gladness. The hoary sages, who, half a century before that day, boldly urged upon their country the daring act which hallowed it for ever; he who wrote, in letters of fire, the immortal Declaration of our Independence, and he, upon whose "burning tongue," the accents of truth, freedom, and victory, then hung; they, whose prophetic eye pierced the darkness of futurity, and foresaw the coming glories destined to cluster about that memorable occasion; they, boast of the aged, lesson of the young, whose deeds were so recently remembered, and their names voiced by millions of their grateful fellow-citizens, have now restored their honours to the world, and their blessed part has ascended into Heaven, to repose in the bosom of their God."

This may be regarded by some as a fine poetic rhapsody, but it is still prosaic eulogy. It is completely prose run mad. Another orator, as if his hearers were unacquainted with the cause for which they were assembled, takes upon himself the benevolent office of informing them. It is a maxim in the genuine Scriblerian school, that you have a right to suppose any



thing, however improbable, or even impossible, that shall contribute to the furtherance of your great design.

"Fellow-countrymen, Americans, (begins one of our orators), wherefore this great assemblage? Why this roar of cannon, and dismal tolling of the bells? Why these badges of mourning? Are all these intended to commemorate the death of some hero, as the ancient Romans did, who by his great victories had slain thousands and tens of thousands of his fellow-men—had deluged the earth with blood—had spread desolation around—had caused whole armies to pass under the yoke—and had reduced millions to slavery?"

Here we have an instance in prose, of what the authors of *Martinus Scriblerus* call the anti-climax, where the successive circumstances drop quite short of the preceding. The hero, after he has slain thousands and tens of thousands, deluged the earth with blood, and spread desolation around, is elegantly represented by this figure, as causing whole armies to pass under the yoke, and reducing millions to slavery. Very like this commencement of an eulogy is that of another speaker, who, we presume, cannot be accused of plagiarism in hitting upon so bright an introduction.

"Why this numerous assemblage, (he exclaims), this solemn and melancholy procession—these habiliments of woe? Do they betoken the fall of some mighty autocrat, some imperial master, who hath "bestrid the earth like a Colossus," and whose remains are followed to the grave by the tools and minions of his power? Are they the tokens of a ceremonious woe—a mere mockery of feeling? What mighty man has fallen in Israel, and why has Virginia clothed herself in mourning? The tolling of your dismal bell, and the loud but solemn discharge of artillery, hath announced to the nation the melancholy tidings. That glorious orb which has, for so many years, given light to our footsteps, has set in death," &c.

With similar pomp, this writer proceeds—

"The sun of that day rose upon him, and the roar of artillery and the hosannah of a nation, sounded in his ears the assurances of his immortality. So precious a life required a death so glorious. Who shall now set limits to his fame? On the annual recurrence of that glorious day, when, with pious ardour, millions yet unborn, shall breathe the sentiments contained in the celebrated Declaration of Independence. When the fires of liberty shall be kindled on every hill, and shall blaze in every valley, shall not the name of Jefferson be pronounced by every lip, and written on every heart? Shall not the rejoicings of that day, and the recollection of his death, cause the smile to chase away the tear, and the tear to becloud the smile?"

Surely a more precious instance of the genuine bathos has not often been produced than is found in that striking conceit in the last sentence, "cause the smile to chase away the tear, and the tear to becloud the smile." This is as beautiful a representation of the contest between a smile and a tear, as can be well imagined, and reminds one strongly of that ingenious piece on a lady's drinking the Bath water—

She drinks! she drinks! behold the matchless dame!  
To her 'tis water, but to us 'tis flame;  
Thus fire is water, water fire by turns,  
And the same stream at once both cools and burns.

Our author has high and venerable authority for thus connecting a smile and a tear in his imagination, as Homer makes his Andromache, upon receiving her son from the arms of Hector at the Icaean gate, smile amidst her tears; but the refined and bright idea of setting them into a sort of amorous dalliance with each other, is quite an invention of his own.\*

But to conclude our account of these rare exordiums, we shall present only a single specimen more, which, although not alluded to in the works of Quintilian, Cicero, or Blair, might very appositely be called an aromatic, or odoriferous introduction:—Its author, no doubt, thought it an apt and symbolical entrance into that garden of variegated flowers and plants, to which he thus introduces his audience:

"Young gentlemen of Boston; I come at your request, not with a basket of sweet-scented flowers, to deck the bier of virgin loveliness fallen with a broken heart; nor to raise loud lamentations over the youthful warrior sleeping in his shroud; or to breathe a people's feverish despondency at the sudden death of a great man, taken from us in the midst of usefulness, while the cares of a nation were upon him; but to lead you to meditate at the grave of two departed patriarchs, who, having borne the heat and burthen of the day, and enjoyed in repose the cool of the evening of life, quietly sunk to rest, full of immortal longings."

From the exordiums, let us proceed to consider the subject matter of the several orations; in which we include the narrative, argumentative, or demonstrative and pathetic parts. In reference to these portions of the several productions, it may

\* "Unum erit profecto," says Cicero, "quod si, qui bene dicunt, afferant proprium; compositam orationem, et ornatam, et artificio quodam, et expolitione distinctam. Hæc autem oratio, si res non subest ab oratore percepta et cognita; aut nulla sit necesse est, aut omnium irrisione ludatur. Quid est enim tam furiosum, quam verborum, vel optimorum atque ornatissimorum, sonitus inanis, nulla subjecta sententia, nec scientia."

be remarked, that those which we have before mentioned with approbation, are worthy of high praise. The narration of events and statement of facts are, in general, sufficiently succinct, neat, clear and connected, and the observations indulged in, pertinent, judicious and striking. There is good sense and considerable address discovered in Mr. Sergeant's, Mr. Duer's, P. Sprague's, Wilkins', and above all, Mr. Webster's. If a superiority can justly be assigned to any one, it must be allowed, that Mr. Webster is entitled to it, as he has contrived to render his eulogium a more comprehensive and finished performance, than any one of the number. Perhaps, a severe and fastidious criticism would object to his digressions from the main subject, to descant in favour of eloquence, of classical learning; and his extended quotation from the speech of Mr. Adams—but considering that these parts are finely wrought, and pregnant with important instruction, and that no subject, moreover, presents a more fertile field to the orator, than that of panegyric; it would display the mere pruriency of taste, to refuse admission and credit to them. To transcribe all that has been handsomely said in the best eulogies, upon this principal part of the subject, would be to extract a large portion of their contents. We shall content ourselves with a few extracts from each, in order to exhibit specimens of their several styles and strains of sentiment. To begin with Mr. Webster; speaking of the time in which these venerable patriots died, he says:

“But the concurrence of their death, on the anniversary of Independence, has naturally awakened stronger emotions. Both had been presidents, both had lived to great age, both were early patriots, and both were distinguished and ever honoured by their immediate agency in the act of Independence. It cannot but seem striking, and extraordinary, that these two should live to see the fiftieth year from the date of that act; that they should complete that year; and that then, on the day which had fast linked for ever their own fame with their country's glory, the heavens should open to receive them both at once. As their lives themselves were the gifts of Providence, who is not willing to recognise in their happy termination, as well as in their long continuance, proofs that our country, and its benefactors, are objects of His care?

Adams and Jefferson, I have said, are no more. As human beings, indeed, they are no more. They are no more, as in 1776, bold and fearless advocates of Independence; no more as on subsequent periods, the head of the government; no more as we have recently seen them, aged and venerable objects of admiration and regard. They are no more. They are dead. But how little is there, of the great and good, which can die! To their country

they yet live, and live for ever. They live in all that perpetuates the remembrance of men on earth; in the recorded proofs of their own great actions, in the offspring of their intellect, in the deep engraved lines of public gratitude, and in the respect and homage of mankind. They live in their example; and they live, emphatically, and will live in the influence which their lives and efforts, their principles and opinions, now exercise, and will continue to exercise, on the affairs of men, not only in their own country, but throughout the civilized world. A superior and commanding human intellect, a truly great man, when Heaven vouchsafes so rare a gift, is not a temporary flame, burning bright for a while, and then expiring, giving place to returning darkness. It is rather a spark of fervent heat, as well as radiant light, with power to enkindle the common mass of human mind; so that when it glimmers, in its own decay, and finally goes out in death, no night follows, but it leaves the world all light, all on fire, from the potent contact of its own spirit. Bacon died; but the human understanding, roused, by the touch of his miraculous wand, to a perception of the true philosophy, and the just mode of inquiring after truth, has kept on its course, successfully and gloriously.—Newton died; yet the courses of the spheres are still known, and they yet move on, in the orbits which he saw, and described for them, in the infinity of space.

No two men now live, fellow-citizens, perhaps it may be doubted, whether any two men have ever lived, in one age, who, more than those we now commemorate, have impressed their own sentiments, in regard to politics and government, on mankind, infused their own opinions more deeply into the opinions of others, or given a more lasting direction to the current of human thought. Their work doth not perish with them. The tree which they assisted to plant, will flourish, although they water it and protect it no longer; for it has struck its roots deep, it has sent them to the very centre; no storm, not of force to burst the orb, can overturn it; its branches spread wide; they stretch their protecting arms broader and broader, and its top is destined to reach the heavens. We are not deceived. There is no delusion here. No age will come, in which the American Revolution will appear less than it is, one of the greatest events in human history. No age will come, in which it will cease to be seen and felt, on either continent, that a mighty step, a great advance, not only in American affairs, but in human affairs, was made on the 4th of July, 1776. And no age will come, we trust, so ignorant or so unjust, as not to see and acknowledge the efficient agency of these we now honour, in producing that momentous event.

We are not assembled, therefore, fellow-citizens, as men overwhelmed with calamity, by the sudden disruption of the ties of friendship or affection, or as in despair for the Republic, by the untimely blightings of its hopes. Death has not surprised us by



an unseasonable blow. We have, indeed, seen the tomb close, but it has closed only over mature years, over long protracted public service, over the weakness of age, and over life itself, only when the ends of living had been fulfilled. These suns, as they rose, slowly and steadily, amidst clouds and storms, in their ascendant, so they have not rushed from their meridian, to sink suddenly in the west. Like the mildness, the serenity, the continuing benignity of a summer's day, they have gone down with slow descending, grateful, long lingering light; and now that they are beyond the visible margin of the world, good omens cheer us from "the bright track of their fiery car!"

There were many points of similarity in the lives and fortunes of these great men. They belonged to the same profession, and had pursued its studies and its practice, for unequal lengths of time indeed, but with diligence and effect.—Both were learned and able lawyers. They were natives and inhabitants, respectively, of those two of the colonies, which, at the revolution, were the largest and most powerful, and which naturally had a lead in the political affairs of the times. When the colonies became, in some degree, united, by the assembling of a general congress, they were brought to act together, in its deliberations, not indeed at the same time, but both at early periods. Each had already manifested his attachment to the cause of the country, as well as his ability to maintain it, by printed addresses, public speeches, extensive correspondence, and whatever other mode could be adopted, for the purpose of exposing the encroachments of the British parliament and animating the people to a manly resistance. Both were not only decided, but early friends of independence. While others yet doubted, they were resolved; where others hesitated, they pressed forward. They were both members of the committee for preparing the Declaration of Independence, and they constituted the sub-committee, appointed by the other members to make the draught. They left their seats in the congress, being called to other public employments, at periods not remote from each other, although one of them returned to it afterwards, for a short time. Neither of them was of the assembly of great men which formed the present constitution; and neither was at any time member of congress under its provisions.—Both have been public ministers abroad, both Vice-Presidents, and both Presidents. These coincidences are now singularly crowned and completed. They have died, together; and they died on the anniversary of liberty."

If we should extract all that it is well executed and striking in this eulogy, we should insert a large proportion of it. We cannot refuse ourselves the pleasure, however, of producing at this time, a single specimen more.

"Adams not only loved the American cause devoutly, but had

studied and understood it. It was all familiar to him. He had tried his powers, on the questions which it involved, often, and in various ways; and had brought to their consideration whatever of argument or illustration the history of his own country, the history of England, or the stores of ancient or of legal learning could furnish. Every grievance, enumerated in the long catalogue of the Declaration, had been the subject of his discussion, and the object of his remonstrance and reprobation. From 1760, the colonies, the rights of the colonies, the liberties of the colonies, and the wrongs inflicted on the colonies, had engaged his constant attention; and it has surprised those, who have had the opportunity of observing, with what full remembrance, and with what prompt recollection, he could refer, in his extreme old age, to every act of parliament affecting the colonies, distinguishing and stating their respective titles, sections, and provisions; and to all the colonial memorials, remonstrances, and petitions, with whatever else belonged to the intimate and exact history of the times from that year to 1775. It was, in his own judgment, between these years, that the American people came to a full understanding and thorough knowledge of their rights, and to a fixed resolution of maintaining them; and bearing himself an active part in all important transactions, the controversy with England being then, in effect, the business of his life, facts, dates and particulars made an impression which was never effaced. He was prepared, therefore, by education and discipline, as well as by natural talent and natural temperament, for the part which he was now to act.

The eloquence of Mr. Adams resembled his general character, and formed, indeed, a part of it. It was bold, manly, and energetic; and such the crisis required. When public bodies are to be addressed on momentous occasions, when great interests are at stake, and strong passions excited, nothing is valuable, in speech, farther than it is connected with high intellectual and moral endowments. Clearness, force, and earnestness are the qualities which produce conviction. True eloquence, indeed, does not consist in speech. It cannot be brought from far. Labour and learning may toil for it, but they will toil in vain. Words and phrases may be marshalled in every way, but they cannot compass it. It must exist in the man, in the subject, and in the occasion. Affected passion, intense expression, the pomp of declamation, all may aspire after it, they cannot reach it. It comes, if it come at all, like the outbreking of a fountain from the earth, or the bursting forth of volcanic fires, with spontaneous, original, native force. The graces taught in the schools, the costly ornaments, and studied contrivances of speech, shock and disgust men, when their own lives, and the fate of their wives, their children, and their country, hang on the decision of the hour. Then words have lost their power, rhetoric is vain, and all elaborate oratory contemptible. Even genius itself then feels rebuked, and subdued, as in the presence of higher

qualities. Then, patriotism is eloquent; then self-devotion is eloquent. The clear conception, out-running the deductions of logic, the high purpose, the firm resolve, the dauntless spirit, speaking on the tongue, beaming from the eye, informing every feature, and urging the whole man onward, right onward to his object,—this, this is eloquence; or rather it is something greater and higher than eloquence, it is action, noble, sublime, god-like action.”

In this passage, the speaker shows himself to possess in no slight degree those native, spontaneous powers of eloquence which he so finely describes. The alteration, which we would suggest, in order to render this passage unexceptionable, is this—It is not just to assert that “true eloquence does not consist in speech”—This assertion is too unqualified, as speech, though not the sole, is undoubtedly the great instrument of persuasion, which is the supreme object of eloquence. Looks, gestures and deeds, as well as speech, may affect the minds of mankind and propel them to action, and times, occasions, great conjunctures in human affairs, may aid the orator in the exercise of his powers, and enable him to produce results, which, upon ordinary occasions, he would aim at in vain; but after all, language must ever be regarded as the great instrument of conviction and persuasion. Instead of saying, therefore, that true eloquence, indeed, does not consist in speech, it would be better to say, does not consist solely in speech—The first thing to be attended to in fine writing and eloquence, is that every sentiment we utter be founded in good sense and a sound comprehension of the subject. Let us ever strictly adhere to the golden rule of Horace, *scribendi rectè, sapere est principium et fons*. And while we are indulging our strictures upon this excellent performance, we beg leave to suggest a few other alterations to its eloquent and ingenious author. When he says, in the commencement of his address,

“A superior and commanding human intellect, a truly great man, when Heaven vouchsafes so rare a gift, is not a temporary flame, burning bright for a while, and then expiring, giving place to returning darkness. It is rather a spark of fervent heat, as well as radiant light, with power to enkindle the common mass of human mind; so that when it glimmers in its own decay, and finally goes out in death, no night follows, but it leaves the world all light, all on fire, from the potent conduct of its own spirit. Bacon died; but the human understanding, roused by the touch of his miraculous wand to a perception of the true philosophy, and the just mode of inquiring after truth, has kept on its course successfully and gloriously.”

Thus far is highly rhetorical and decorated, indeed, but just

and beautiful. But when he concludes, "Newton died; yet the courses of the spheres are still known, and they yet move on in the orbits which he saw and described for them in the infinity of space." The last part of this sentence is liable to objection on several accounts. As Newton discovered the law of gravitation, upon which the motions of the heavenly bodies depend, it might be allowed to the orator to affirm, with some latitude of expression, that the courses of the spheres are still known in consequence of his disclosure of them, although it is certain that Copernicus first suggested the true system of the world, and Galileo confirmed it; yet it could never, by any oratorical license, be allowed to assert, that, in consequence of Newton's appearance, the planets yet move on in the courses which he prescribed for them in the infinity of space. The great Contriver of all things prescribes to the planets their courses in the regions of space. Again; if the speaker meant merely to assert, (as no doubt he did), that Newton, having discovered the laws which regulate the motions of the planetary system, although he was himself dead, the same knowledge would be perpetuated; then, he should have expressed himself to that effect. He had only to avail himself of the idea conveyed by Mr. Pope in his sublime epitaph,

Nature and Nature's laws lay hid in night,  
God said, let Newton be—and all was light—

and represent this light as illuminating the system of nature, after the decease of the great discoverer, and this passage of his oration would have been complete. As it now stands, it not only conveys an idea different from the one intended, but it is a violation of that excellent rule of Quintilian; *ne fortiori subjungatur aliquid infirmius*.

One more proposal of an amendment, and we have done criticising this piece. In the concluding sentences, he says—

"If we cherish the virtues and the principles of our fathers, Heaven will assist us to carry on the work of human liberty and human happiness. Auspicious omens cheer us. Great examples are before us. Our firmament now shines brightly upon our path. Washington is in the clear upper sky. These other stars have now joined the American constellation; they circle round their centre, and the heavens beam with new light. Beneath this illumination, let us walk the course of life; and at its close devoutly commend our beloved country, the common parent of us all, to the Divine benignity.

*Omnibus in rebus, says Cicero, voluptatibus maximis fastidium finitimum est.* With some pruning, this would be a handsome conclusion. As it stands, the mind is left in the issue, not



merely pervaded by an agreeable emotion, as it should be, but saturated with sweets. The figures are too bold, too frequent, and too glittering for the peroration, when the mind is presumed to be in some degree cooled from the excitement produced by the progress of the discourse, and the pursuit of an interesting, and perhaps vehement train of thought. "Auspicious omens cheer us." "Great examples are before us." This is suited to the language of a peroration. But, when he goes on, "Washington is in the clear upper sky." "These other stars have now joined the American constellation; they circle round their centre, and the heavens beam with new light."—This is not only a triple apotheosis, but is too glittering. It dazzles and confuses the mind, and renders the heads of an audience dizzy. It appears to us, the speaker would have gone off, with much more manly grace and dignity, if, after the sentences, "auspicious omens cheer us," "great examples are before us," he had concluded thus—"under their illumination let us walk the course of life, and at its close devoutly recommend our beloved country, the common parent of us all, to the Divine benignity." Sublime visions should be sparingly indulged, either by the poet or orator, and only when the mind is intensely wrought up by passion. Let us not lose sight of the excellent maxims of Quintilian, when speaking of subjects of this nature. *Sed hujus quoque rei servetur mensura quædam. Quamvis enim est omnis hyperbole ultra fidem; non tamen esse debet ultra modum. Quo magis intuendum est, quousque deceat extollere, quod nobis non creditur.*

But to proceed.—Mr. Duer thus describes the part performed by our Presidents at the commencement of the Revolution—

"The colonists were blessed with industry, frugality, enterprise, and intelligence; and with equal probity and skill, they availed themselves of all their physical and moral resources, to acquire wealth and honour, prosperity and happiness. Nor were their efforts fruitless; for they had already become rich and powerful enough to excite the cupidity, and alarm the jealousy of the mother country. A revenue was attempted to be drawn from them, by the paramount authority of a British Parliament. But though well disposed to bear their fair proportion of the public burdens, when constitutionally required, the future founders of the American republic were as resolute to withhold the contribution even of a nominal sum, when exacted by a legislature in which they were not represented. It was the principle for which they contended. The inseparable connexion between taxation and representation, was maintained by them as a fundamental axiom; and sooner than compromise their unalienable right to the enjoyment of their private property without sur-

rendering the smallest portion of it for public purposes, except by their own consent; the descendants of Hampden, of Russell, and of Sydney, and the disciples of Milton, of Harrington, and of Locke, were prepared to stake all they possessed on the issue of resistance.

The great charter of English liberty they claimed as their birth-right; its immortal vindicators, as their ancestors; and notwithstanding their affection for the land to which they owed their origin and laws; notwithstanding their attachment to the nation with whom they claimed a common language and descent; they deliberately resolved, rather than submit to usurpation, to sever the ties which held them in allegiance to a parent government, and connected them in friendship with a kindred people.

In the struggles which ensued, it was soon apparent upon whom the mantles of the great apostles of English liberty had fallen; for in the American congress were collected individuals not only worthy of the blood of the martyrs from which they had sprung, but whose wisdom and fortitude, whose virtue and eloquence would have shed a lustre on the brightest days of Greece or Rome. So true is it, that great occasions produce the talents equal to their exigencies; or, rather so true is it, my countrymen, that the all-bounteous Ruler of the universe, whenever he purposes to exalt a nation, calls forth the faculties of his intellectual creatures in correspondence with the great design.

In this great assembly, Adams and Jefferson were among the most conspicuous. They came as the respective delegates of the two provinces at that time the most important in the confederacy; and the most forward and resolute in the assertion of their rights. Hand in hand they had approached the contest; and hand in hand, and in the foremost rank, appeared their chosen sons, worthy and fit to represent them. The one descended from intrepid sufferers for conscience sake; the other sprung from a gayer and chivalric race of bold adventurers for fame and freedom. Both were in 'the prime and vigour of their manhood,' and each was distinguished for natural endowments, as well as for extensive acquirements; for strength of understanding, solidity of judgment, firmness of principle, liberality of sentiment, and rectitude of intention and conduct. They met on high, but equal ground; and seem to have been drawn together by sympathy of character as well as of opinions. They were members of the same profession, and had pursued it in that liberal and honourable spirit, by which the study and practice of the law tends to enlarge the capacity of the mind, as well as to sharpen and invigorate its faculties. From principle, both were inflexible, devoted patriots; by intuition, if not by education, statesmen. The one was an orator; the other a philosopher: and if Adams had attained more celebrity for eloquence, Jefferson was more highly estimated for the written productions of his genius. If the former possessed

greater practical knowledge of affairs, the latter was richer in the resources of speculative wisdom; and whatsoever quality or acquisition appeared deficient in the one, was to be found in the character or talents of the other; so that between them they combined every requisite which, at the impending crisis, could render their services so useful, so inestimable, to their country."

We present the following as a specimen of Mr. Peleg Sprague's composition.

"A great truth was proclaimed to the world, with a voice that reached over oceans and continents, and found an instant response in every human breast. I cannot exaggerate to myself the effects it will produce, not merely upon this country, but upon the future condition of the human race. Its power was soon felt in the tremendous revolutions of France, and the convulsive throes for liberty throughout Europe.

But it may be asked, how could those scenes of horror and of crime, have flowed from the pure and beneficent principles of that Declaration? The answer is ready. The soil of France was not prepared for the seeds of liberty, and falsehood, impiety, and unbridled passion sprung up. The immense populace were there sunk in the depths of brutal ignorance.

But the convulsions and miseries of Europe, since our revolution, have not been in vain. They afford lessons to rulers and subjects which cannot be forgotten. Inquiry has been excited, knowledge is extending, the rights and duties of man are becoming better understood, and must in their progress be universally asserted and exercised. By the effects of our Declaration of Independence, South America has been emancipated, Europe enlightened, and Greece, unhappy Greece, aroused from her lethargy of centuries.

Mr. Adams's participation in this great measure is not less honourable than that of his illustrious colleague. His whole soul seemed wrapt up in the issue. His efforts were unremitted. 'Instant in season and out of season,'—in the Congress, and out of it—in conversation and in debate, he exerted all his powers of persuasion, and poured forth his highest strains of eloquence; and by the aid of Him, who 'touched Isaiah's hallowed lips with fire,' he moved the heart, and convinced the mind, and his glorious purpose was accomplished. To have been, the one the author, and the other the most efficient advocate of that Declaration, is fame enough for both. It has placed them on the highest pinnacle of human greatness, and their names will go down with unfading glory to future ages.

But it was not by this act alone that Jefferson and Adams were distinguished in the continental Congress. In that assembly of glowing patriots, they were always among the most ardent: with the daring and fearless, they were among the boldest: with the

unyielding—among the firmest: and with the sagacious, the wisest. And when we say that they were eminently conspicuous in the old Congress at Philadelphia, in order to understand the full merit of such distinction, we must recollect who were the men that composed that body. If we examine their individual characters, their state papers and their public acts, we shall, with the celebrated Chatham, yield them collectively our unqualified admiration. It is difficult to speak of them with simple justice, without appearing to use the language of extravagant eulogium. For all, who have not well considered, will think it incredible that they should have been men of such overshadowing greatness. But it should be remembered, that great occasions make great men: that it is amidst political revolutions that powerful minds are formed and called into action. The sparks of genius are struck out by the concussion, and the fury of the blast but increases the intensity of its fires. In the calm of peace, intellect may be torpid, or the inferior and unworthy, by the little arts of intrigue, may rise to place and power. But when the storm rages, and all feel that they are embarked together upon the waves—then, when the timid quail, and the feeble tremble, and the short-sighted are confounded—none but the strong hand, and the firm heart, and the unblenched eye, can hold the helm and direct the course. It is amidst the war of the elements that the master spirits rule.”

In order that we may see strikingly exhibited, the vast disparity between a moderate and just praise, judiciously bestowed, and a florid and extravagant panegyric, let us contrast the terms in which the different speakers have expressed themselves in regard to the Declaration of Independence. “Had Jefferson, (says one), left no other evidence of his talents for writing, the Declaration of Independence alone, would serve to immortalize his reputation.” “He burst upon the world, (says another), crowned with that halo of glory, our national manifesto. Who shall attempt its eulogy? It is one of those works which all commentary must prejudice. It is all light, all strength, all truth. It is the Egis that covers the prostrate and forlorn, while it flashes conviction and confusion in the face of the oppressor.” “Who is not proud (says a third), of such a Declaration emanated from the land of his birth! O! it is an immortal instrument, worthy its immortal author, and worthy him who was acknowledged to be the pillar of its support.” “It was, (says a fourth), the voice of the American nation addressing herself to the other nations of the earth; and the address is, in all respects, worthy of this noble personification. It is the great argument of America in vindication of her course; and as Mr. Adams had been the Colossus of the cause on the floor of Congress, his illustrious friend, the author of



this instrument, may well be pronounced to have been its Colossus on the theatre of the world." Now, let us see the difference between this kind of turgid encomium, and that judicious and discriminating panegyric, which confers true honour upon its object. Mr. Sergeant speaks of it, as "that venerated instrument, which, as long as its sacred spirit shall dwell with the people of this nation, or the free institutions that have grown out of it be preserved and respected, so long will our children, and our children's children to the latest generation, bless the names of these our illustrious benefactors." Mr. Webster says, "Thomas Jefferson had the high honour of being the selected advocate of this cause. To say that he performed this great work well, would be doing him injustice. To say that he did it excellently well, admirably well, would be inadequate and halting praise. Let us rather say, that he so discharged the duty assigned him, that all Americans may well rejoice that the work of drawing the title deed of their liberties devolved on his hands." Of all the speakers upon this occasion, however, Mr. Duer and Mr. Peleg Sprague appear to us to have touched this topic with the greatest happiness of thought and expression.

The last moments of our illustrious patriots, very naturally, from their singular and extraordinary character, afford a topic upon which all the orators have considerably enlarged. It is well treated by Messrs. Wilkins, Webster, Sergeant, Duer, Everett, and Sprague. Mr. Everett thus refers to it:—

"The declining period of their lives presents their own characters, in the most delightful aspect, and furnishes the happiest illustration of the perfection of our political system. We behold a new spectacle of moral sublimity; the peaceful old age of the retired chiefs of the republic; an evening of learned, useful, and honoured leisure following upon a youth of hazard, a manhood of service, a whole life of alternate trial and success. We behold them indeed active and untiring, even to the last. At the advanced age of eighty-five years, our venerable fellow-citizen and neighbour, is still competent to take a part in the councils for revising the state constitution, to whose original formation forty years before he so essentially contributed; and Mr. Jefferson, at the same protracted term of life, was able to project and carry on to their completion, the extensive establishments of the University of Virginia.

But it is the great and closing scene, which appears, by higher allotment, to crown their long and exalted career, with a consummation almost miraculous. Having done so much and so happily for themselves, so much and so beneficially for their country; at that last moment, when man can no more do any thing for his

country or for himself, it pleased a kind Providence to take their existence into his hands, and to do that for both of them, which, to the end of time, will cause them to be deemed, not more happy in the renown of their lives than in the opportunity of their death.\*

I could give neither force nor interest to the account of these sublime and touching scenes, by any thing beyond the simple recital of the facts, already familiar to the public. The veil of eternity was first lifted up, from before the eyes of Mr. Jefferson. For several weeks his strength had been gradually failing, though his mind's vigour remained unimpaired. As he drew nearer to the last, and no expectation remained that his term could be much protracted, he expressed no other wish, than that he might live to breathe the air of the fiftieth anniversary of independence. This he was graciously permitted to do. But it was evident, on the morning of the fourth, that Providence intended that this day, consecrated by his deed, should now be solemnized by his death. On some momentary revival of his wasting strength, the friends around would have soothed him with the hope of continuing; but he answered their kind encouragements only by saying, that he did not fear to die. Once, as he drew nearer to his close, he lifted up his languid head and murmured with a smile, 'it is the fourth of July,' while his repeated exclamation, on the last great day was, *Nunc dimittis, Domine*, 'Lord, now lettest thou thy servant depart in peace.' He departed in peace, a little before one o'clock of this memorable day; unconscious that his co-patriot, who fifty years before had shared its efforts and perils, was now the partner of its glory.

Mr. Adams' mind had also wandered back, over the long line of great things, with which his life was filled, and found rest on the thought of independence. When the discharges of artillery proclaimed the triumphant anniversary, he pronounced it 'a great and a good day.' The thrilling word of independence, which, fifty years before, in the ardour of his manly strength he had sounded out to the nations, at the head of his country's councils, was now among the last that dwelt on his quivering lips; and when, toward the hour of noon, he felt his noble heart growing cold within him, the last emotion which warmed it was, that 'Jefferson still survives.' But he survives not; he is gone: Ye, are gone together!

Take them, Great God, together to thy Rest!"

Let us now see how the same events can be represented by other hands. One speaker proceeds,

"On the jubilee of our independence, then, only two of those, by whose vote it had been decreed, were among the living, Jefferson and Adams—the two who had been selected to draft the declara-

\* Tacit. J. Agricol. Vit. c. xlv.

tion. At noon, he whose mind had conceived and produced that instrument, was summoned by the angel of death. Adams then, its great advocate and defender, and the pillar of its support, alone survived; but the decree had gone forth, and he too was called on high. On the 4th of July 1776, the heavens were covered with weeping clouds—but beyond those clouds these patriots discerned the sunshine of their country's triumph. On the 4th of July 1826, the heavens again wept—but it was at the departure of those patriots. As they ascended, the artillery of the skies responded to that of earth; and the radiant bow which then spanned the arch of heaven, gave assurance that the offerings of these patriots had been accepted, that their prayers had been heard, and that the freedom which they had purchased should endure for ever."

One declares "that the felicitous termination of their mortal career, triumphantly paralyzed the sting of death, and denied to the grave its accustomed victory"—Another,

"But at its last recurrence, the great jubilee of the nation, the anniversary, it may well be termed, of the liberty of man, Heaven itself mingled visibly in the celebration, and hallowed the day anew by a double apotheosis. Philosophy, recovered of her surprise, may affect to treat the coincidence as fortuitous.—But Philosophy herself was mute, at the moment, under the feeling, that these illustrious men had rather been translated than had died. After the multitude of other coincidences which seem to have linked their destinies together—after having lived so long together, the objects of their country's joint veneration—after having been spared to witness the great triumph of their toils at home—and looking together from Pisgah's top to the sublime effect of that grand impulse which they had given to the same glorious cause throughout the world, on the fiftieth anniversary of that day on which they had ushered that cause into light, were they caught up to heaven together, in the midst of their raptures."

These oratorical transports, if they do not indicate the existence of the "poet's eye in a fine phrenzy rolling," or "great and eccentric minds" "shot madly from their spheres;" at least disclose to us imaginations sadly rocked into fantastic visions upon the great "ocean of mind," wrought into commotion by storms and tempests. But, we have more serious charges to institute against these oratorical flights, than that of their being rant and fustian. Their impiety and immorality, (no doubt undesigned,) would be no less reprehensible, if intentional, than their bad taste. The nations of antiquity were accustomed to deify their emperors and heroes, who were, sometimes, the greatest monsters of antiquity that ever lived. In this important particular, indeed, the American nation has pre-eminently the advantage. Purer patriots and more incorruptible statesmen,

never controlled the destinies of any nation, than those men who took the lead in our revolutionary struggle. If talents and faithful services, sustained by a nation's grateful affections and benedictions, can obtain for them the happiness of a future state, they will undoubtedly enjoy it. Heaven grant that our two illustrious citizens lately deceased, may be admitted to the noblest rewards of futurity. But while we most cordially join in the public honours paid to their memory, and in the most ardent wishes for their future happiness, we must be allowed to avow, that we cannot relish these bold, confident and overweening oratorical canonizations. We like them neither from the pulpit, the bar, the professor's chair, nor the rostrum. The destinies of men in futurity are in the hands of Him only to whom belong the spirits of all flesh. In a mysterious wisdom, no doubt, they are concealed from us. We may hope, trust, believe for the best, in reference to the future conditions of those, in whose character and lives we are deeply interested, but, it surely becomes us, as Christians, and as men, to speak upon such momentous subjects, in a tone somewhat more subdued, submissive and humble.

Several of the perorations or conclusions are excellently finished and deeply impressive, among which we would mention those of Mr. Duer, Mr. Webster, and Mr. Sergeant.

The lessons which Mr. Webster inculcates upon the same occasion, will, we trust, be deeply impressed upon the mind of every American.

Before concluding our critique of these eulogies, we must be allowed to indulge ourselves in a few general observations. In extending our approbation to some of the pieces reviewed, and our disapprobation to others, we can have no personal feelings to bias and mislead us, or personal resentments to gratify. But a few of the authors are personally known to us, and of the names of several we were ignorant, until the perusal of their productions. Our sole object in this review is, to throw in our mite towards promoting the progress of sound learning, and correct taste among our countrymen, and, especially, among our young men. In almost all these eulogies we perceive the marks of native genius, which, if judiciously and anxiously cultivated, might lead to distinction and superiority. But, except in the cases which we have before stated, the great deficiency in the writers appears to be, the want of minds replenished with solid learning, possessing depth and precision of thought, and imbued with the principles of correct taste. These are qualifications for writing and speaking well, which are of no mushroom growth, and are not to be attained except by years of close



attention to literary pursuits, and the study of the finest models. Let our youth become more conversant with the best Latin, Greek, English and French classics, and they will cease to take pleasure in meretricious ornaments, and will contract a relish for genuine beauty.

In some respects, these panegyrics generally deserve our candid and unqualified approbation. With but a few inconsiderable exceptions, we find in them not even a tincture of the bitterness and rancour of party spirit, and perhaps as little feeling of resentment and hostility, as could be reasonably expected, against that nation, with which we had to sustain so severe a struggle, and our contest with which, gave rise to all those events in the lives of our illustrious presidents, that form the materials of their panegyrics. In almost all cases, we discover none but manly sentiments, conciliatory language, and enlarged and liberal views of things. We cannot but most cordially congratulate our fellow-citizens, upon this auspicious and beneficial change in public sentiment. May it long continue! The Republic has now passed through the stormy period of the revolutionary war, and the no less hazardous season, which was devoted to laying the foundation of our government, and settling the great principles of the constitution; and has at length arrived at a state of enviable peace and prosperity. Let it henceforth be the effort of every true patriot, casting aside all narrow prejudices, and condemning all party distinctions, to keep his eye steadily fixed upon the permanent interests of his country, and towards the promotion of these, to direct his zealous wishes and unwearied endeavours. In regard to all other nations, we should undoubtedly adhere to the maxim, which has been so often repeated;—in war let us hold them as enemies, in peace as friends. And even in reference to that powerful nation, from whom we wrested our independence, surely, at this late period, all illiberal prejudices, and useless animosities, should be extinguished.

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ART. IV.—*Historical Researches on the Wars and Sports of the Mongols and Romans; in which Elephants and wild Beasts were employed or slain: and the remarkable local Agreement of History with the Remains of such Animals found in Europe and Siberia. With a Map and ten plates.* By JOHN RANKING. Resident upwards of twenty years in Hindostan and Russia. London, 1826. 4to. pp. 516.

A DISPOSITION to generalize from slight premises is ever injurious to the human mind, and retards the advancement of knowledge in proportion to the plausibility of the data assumed, and the amount of labour to be saved by the conclusions. To follow the course indicated by Lord Bacon, of first carefully examining all facts, directly and collaterally affecting the inquiry, and then with equal caution to deduce conclusions therefrom, ill accords with the excursive vigour of genius, or the ardour of enthusiasm, which delight in displays of brilliance and power, that excite and lead captive the imagination, though reason may be dissatisfied, and judgment unconvinced. Men are exceedingly ready to adopt opinions, yet few recollect that those only have a right to form them, who have fully investigated the subjects to which they refer: he, therefore, who is desirous of obtaining numerous immediate supporters, has an easy task to accomplish, if he will but seize on some striking special instances as the basis of a comprehensive doctrine, which at once dispenses with minute research, and all the fatigue of observing and comparing multitudes of facts.

In adopting this method, the author of the work before us has been eminently successful. We feel indebted to him for much amusing and instructive matter, industriously accumulated and detailed with conciseness and perspicuity. That he has failed in deciding us to adopt the conclusions his researches are intended to establish, arises not from want of ingenuity or zeal on his part, but from the nature of the subject, which involves far more than he appears to have been aware of, and demands of the investigator a vast fund of knowledge, essentially different from what would be an ample qualification for the collection and comparison of historical documents.

Naturalists have long since been compelled, by the peculiar character and mass of the evidence, to believe that great numbers of the bones exhumed in various regions belonged to species of animals which have been for ages extinct. Mr. Ranking has revived the often urged opinion, that these bones pertained

to animals of species still existing: the object of his researches is, to prove that they may have belonged to animals which were killed during the destructive wars, or grand hunting matches of the Mongolian sovereigns, or else, that they were slaughtered in amphitheatres for the public amusement by the Roman emperors and generals. To support his views, he sets forth the extent and resources of the Mongol dominion; the grandeur, wealth, and power of its sovereigns; the vast size of their armies, and the multitudes of elephants employed by them in their terrible battles. He then gives an account of the Roman wars, and sports with elephants and wild beasts, which is followed by a history of Roman Britain, ending A. D. 427. Independent of all theory, these historical researches are highly interesting; making us acquainted with singular peculiarities of government and society, and exhibiting in their eventful vicissitudes the impotence of mere physical force to sustain and perpetuate dominion. To render the merits of the work, in this respect more calculable, we shall endeavour to sketch from it some of the most interesting particulars, previous to entering upon an examination of the partial and restricted views the author has taken of fossil organic remains.

Among the once powerful empires which have sunk into comparative oblivion, for want of that immortalization which the pen of the historian or poet alone can bestow, the Mongolian may be considered as one of the most remarkable. Notwithstanding the sources of information relative to it, are few and often of somewhat doubtful authority, and due allowances are always to be made for the *hyperbolism* of oriental writers, the credulity of European travellers, and the prejudices of the ingenious author who has collected and compared their statements, enough will remain to convince us of the immense power and wealth of the successive despots who once spread terror over northern Asia.

The bloody victories of Genghis Khan first rendered the Mongols terrible to other nations, and gave their name some importance in history. Their native country was the north and south sides of the chain of mountains near Nertshingk in Siberia, known as the Altai, or Golden Mountains. This country, rich in pastures, horses, and cattle, afforded a comparatively easy subsistence to men accustomed to an erratic mode of life, whose chief dependence was the produce of their herds.

In their dealings with each other, the Mongols are represented as mild, affectionate, and just, but towards their enemies they displayed the most savage cruelty and barbarous injustice,

as the following instance, given by our author from Petit de la Croix, will sufficiently show:—

“In 1221, Genghis besieged the city of Bamian in Zabulistan, belonging to Gelabddin, king of Carisme. Towers of wood were built to command the city; wild fire was used. Every day as many cows and horses were killed as would provide Genghis with fresh hides to cover over his towers, to preserve them from being burnt by the fire cast from the walls. In the midst of the havoc, news arrived of Gelabddin having defeated a Mongol army near Gazna. Genghis swore in his rage that the city of Bamian, and the sultan himself should give him satisfaction. One of his grandsons, during this fury, exposed himself to please the emperor, and was killed by an arrow shot over the walls of the city: he fell dead at the emperor's feet; he was prince Octai's son. The emperor, who tenderly loved him, was mollified; he groaned and mixed his tears with those of the mother, who, in a state of distraction, wept over and bathed the body of her dead son with her tears. The grand khan, recovering somewhat from his sorrow, endeavoured to comfort his lady, and left to her discretion the punishment of the inhabitants when the city should fall. He lavished gold and silver on his soldiers, and at last the walls were ruined and the city taken. The mother of the young prince, entering with the Mongol soldiers, could not be satisfied with the murders, but spared neither age nor sex. Not a single person was left alive. Even this dire revenge did not assuage her,—but with the undistinguishing ferociousness of a brute, by the order of this affectionate mother, the beasts and every living creature were killed! The mosques and houses demolished, and the city reduced to a heap of ruins, which thenceforth bore the name of *Naubalig*—the Unfortunate Dwelling.”

Such treatment of the vanquished was nearly as common as the victories of the khan or emperor. Warring on neighbouring nations solely for the purpose of subjecting them to his power, and restrained by nothing but his own will, the caprices or passions of the sovereign were sufficient motives for the subjugation of such as were obnoxious to his pride. Himself considered as the supreme disposer of the lives and property of his people, the most abject submission to his orders pervaded every part of his immense army, each individual of which considered it a glory to peril his life or lose it for the honour or pleasure of his lord. Plundering every country through which their desolating march was extended, it is not surprising that vast wealth should be accumulated, where so many populous cities were sacked, and the people slaughtered and enslaved, to swell the hosts of the triumphant conqueror, on whose banner, *ux victis!* might well have been inscribed.



The history of Timougin, who afterwards took the name of Genghis Khan, is little better than a record of bloody and exterminating battles. The army was divided into *tomans* of ten thousand, regiments of one thousand, companies of one hundred, and smaller parties of ten; the emperor or khan headed the army in person, while the princes, his sons, commanded the different divisions. Acting thus under the immediate inspection of a father, renowned for personal valour no less than generalship, it is not surprising that the sons should display their utmost skill and bravery, or that a similar spirit of emulation should pervade the whole of the inferior officers and troops. In one of Genghis Khan's battles with Mehemed, king of Carisme and Persia, his army is stated to have contained seven hundred thousand troops, while the forces of Mehemed were four hundred thousand in number. This vast force joined battle at a place called Carecon, near the Sihon, and after an engagement which lasted throughout the day, each party withdrew, leaving one hundred and sixty thousand men wounded and slain. The unfortunate king of Persia, after numerous reverses, and the loss of the cities of Bochara, Samarcand, Merou, Herat, and Nishabour, perished miserably while fleeing before Genghis, in a tent on the desert island of Abiscon. Previous to his decease he exclaimed, "how uncertain a dwelling is this world! Is it possible, that of my immense territories, no more remains but two cubits' length to receive my body!"

The power of Genghis was now become irresistible. After many sieges and slaughters, the western part of Carisme was added to the Mongol empire. In the city of Nishabour, neither house nor mosque was left standing, while the most horrible slaughter was made of the inhabitants, of whom, it is stated, the incredible number of one million seven hundred thousand Carismians were butchered in the city and surrounding country!

In order to keep his soldiers in action during winter, while the prosecution of war was suspended, this "mighty hunter" of men, Genghis Khan, ordered an imperial hunt. The emperor's eldest son, Touschi Khan, master huntsman of the empire, being absent, his lieutenant was ordered to prepare the chase. The troops were led on by their officers according to the laws of hunting, and ranged round the space encompassed by the emperor's order, in the manner of a thick hedge, sometimes doubling the ranks about the circle which the huntsman had appointed. The officers reminded the troops that their lives would be forfeited by letting the beasts escape from the ring, which was a great number of leagues in circumference, enclosing numerous groves and woods with all their animals.

The centre of this great enclosure, to which all the beasts must retire, was a plain marked out by the huntsman.

The officers of the chase received their orders for marching from the lieutenant generals, who received them from the khan himself. The kettle drums, trumpets, and horns sounding the general march, it began every where at the same time, and in the same order; the soldiers marching very close together, and closing towards the centre, driving the wild beasts before them. The officers stationed in the rear, observed the conduct of the troops, all of which were in full armour, as if on actual military service. This armour consisted of iron helmets, corslets of leather, wicker bucklers, scimitars, bows, quivers filled with arrows, files, hatchets, clubs, cords, packing needles, and thread. Whatever violence the wild beasts might offer, it was forbidden to kill or wound them. The men might shout, and frighten the beasts from passing the enclosure.

The march was continued daily in the same order, a punctual attention to discipline being kept up; sentinels were relieved and watchwords given. The march lasted for some weeks without interruption, unless a river intervened which was not every where fordable. The beasts were driven into it and swam across; the soldiers passed over on round pieces of hide bound together, on which several sat, and these bundles being tied to a horse's tail, the horse drew it across, following his leader who swam before. The great circle now lessening, and the beasts finding themselves pressed, they fled to the mountains or valleys as the hunters advanced, or took refuge in holes, whence they were speedily forced to withdraw. The wild beasts now beginning to mingle, became furious, and were with great difficulty kept within the enclosure, or driven from the mountains and precipices. At this period, couriers passed from the different parts of the circle with reports to the grand khan, and to give him news of the princes, his sons, who shared in the diversion and confusion of the chase; while he himself vigilantly observed the conduct of the soldiery.

Then it was a fearful sight to see the hard pressed animals driven into unwonted society with beasts which were their natural enemies; they engaged in furious and destructive combats, the stronger tearing the weaker to pieces, and venting their savage anger upon every creature they could vanquish. But the drums, trumpets, and timbrels now poured forth their discordant voices, and the vast multitude of men shouted aloud; the fiercest of the beasts relinquished their combats and growls of defiance, terror-struck by these dreadful and unusual sounds.

At the sound of the trumpets the grand khan first entered

this formidable circle, bearing his drawn sword in one hand, his bow in the other, and his quiver across his shoulder; his sons and all of the general officers attending him. He began the slaughter, attacking the fiercest of the beasts, and defending himself against such as, rendered furious by wounds, endeavoured to defend their lives. The emperor then retreated to an eminence, and ascended a throne prepared for him, whence he could command a view of the bravery and agility of his sons and officers, all of whom vied with each other in encountering dangers, and in endeavouring to win the approbation of the emperor.

After the princes and lords had enjoyed their sport, the young soldiers entered the circle, and in the same manner slaughtered various animals. The emperor's grandsons, followed by the young lords, then presented themselves before the throne, and besought his majesty to give the remaining beasts their lives and liberty. Which being granted, the valour of the troops was praised, and they were dismissed and sent back to their quarters. This custom appears to have been of great antiquity, having doubtless been continued

“Since Nimrod, the founder  
Of empire and chase,  
Who made the woods wonder  
And quake for their race.  
When the lion was young,  
In the pride of his might,  
Then 'twas sport for the strong  
To embrace him in fight.”—*Byron.*

The vigilance and valour of his sons, enabled Genghis to triumph over all his opponents, among whom the most distinguished was Gelaleddin, the son of the unfortunate Mehemed. After the destruction of the city of Bamian, Gelaleddin was followed to the banks of the Indus by Genghis, where, after a conflict of thirty hours against three hundred thousand Mongols, Gelaleddin's army was so dreadfully defeated, that out of thirty thousand men he had opposed to Genghis, on account of the strength of his position, only seven thousand escaped. The heroic Gelaleddin, determined not to be taken alive, mounted a fresh horse, plunged into the rapid Indus, discharging his last arrows towards Genghis, and escaped unhurt. He at last was treacherously killed in Curdistan, A. D. 1230.

The pride and magnificence of the “Great Mogul” were never more amply displayed than in the assembly of the estates held at Tonceat, in 1224. The queen mother of Mehemed, and all the nobles and ladies of his court, were led in triumph



to the city, preceded by the throne and crown borne in state. The imperial princes repaired to court, paid homage to their father, and laid rich presents at his feet. Prince Tousehi, besides other rare things, presented a hundred thousand horses; twenty thousand of which were white, twenty thousand black, twenty thousand grey, twenty thousand spotted, and twenty thousand brown bay.

A banquet was given which continued for a whole month. The governors of Catai Mongolistan, Iran Caracatai, the khan of the Yugures, and many sovereigns who had voluntarily submitted to the grand khan were present. The plain of Toncat, though seven leagues long, could scarcely contain the tents and attendants of these great personages. Most of them had brought moveable houses built upon wheels, with very long beams upon the axletrees, resembling somewhat an European tent. Some were covered with felt, and impenetrable to the rain; others with stuffs of various kinds; from two to thirty oxen were necessary to draw them. These oxen were the most ornamental parts of the equipage, and such as came from Tangut were only to be purchased by the richest persons. They are very strong, have hair like horses, and the hair of their tails is long, white, and silky.

The quarters of the grand khan were two leagues in compass, having streets, bazars, and public places. The tent for the assembly held two thousand persons; it was covered with white, and contained a magnificent throne; on an eminence near it, was placed the black felt carpet upon which Genghis sat when proclaimed grand khan, and this carpet was held in high veneration during the existence of the Mongol empire. This great tent had two open entrances, one of which, designed for the emperor, could be passed by no other person, whatever might be his rank, although no guard were present. The decoration of the tent, the dresses of the courtiers and attendants, all accorded with the occasion, exhibiting the most profuse and cumbrous magnificence.

The grand khan, who delighted in making an oration whenever a proper opportunity offered, praised his laws to a high degree, declaring that they were the cause of his conquests and of the Mongolian power. He recounted his victories, named all the sovereigns he had conquered, without excepting those who were then in presence, and not content therewith, he ordered all the ambassadors from the subdued kingdoms, and the envoys and deputies from the various courts, to appear before his throne. He then gave them audience and dismissed the assembly.



Genghis was not allowed to remain long at peace, as his subject princes were continually revolting, though the event was very uniformly the same; thousands and thousands of men were destroyed, and their slavery to the grand khan rendered tenfold more galling. Genghis reconquered the king of Tangut, and considered the conquest of the rest of China as an easy task: he was reposing his court and troops, and rejoicing in his prosperity, when news was brought him from Capchac of the death of his favourite son and general, Touschi Khan. This threw him into the profoundest grief, and no doubt hastened his decease. The army was then encamped in a marshy country, near a forest, on the road to China.

The emperor Genghis finding himself extremely ill, commanded that his children and princes of the blood should come before him. Notwithstanding the pain he was in he sat erect, and with his accustomed majesty of look, which commanded awe and respect even from his children and the sovereigns of the east, he informed them that his spirits were sunk, and the hand of death upon him. "I leave you the greatest empire in the world, (said he); if you would preserve it, be united and observe the laws which I have established. But, if you walk in the paths of dissention, your *subjects*, that is to say your *enemies*, will soon be masters of your empire." Genghis Khan died in the year 1226, in the seventy-third year of his age, leaving prince Octai to be his successor. Eight days after the death of the emperor, which was concealed, Schidascon, king of Tangut, accompanied by his children and some nobles, arrived. They were inveigled into the camp, and barbarously murdered, in obedience to an order left by the emperor: by this bloody treachery, Tangut was finally added to the Mongol empire.

The grand khan was buried with the utmost pomp, and his body interred, according to his own request, under a tree of singular height and beauty, beneath which he had rested in his return from the chase some days previous to his last sickness. A noble monument was erected upon his grave, which was beautifully surrounded by trees. This tomb is in latitude thirty-nine degrees, longitude one hundred and eight degrees north of the great wall of China. The character of Genghis Khan may be readily gathered from the preceding sketches. Excessively proud, ambitious, and revengeful, he joined the most wily artfulness to the most unsparing cruelty. With him, the end always sanctified the means, and expediency was ever sufficient to justify any breach of faith.

Inured to danger and toil from his youth, he was one of the

foremost in fight, where, accustomed to see his ranks filled up as fast as losses were sustained, he set no value on human life, nor hesitated to make any sacrifice of it to gratify his lust of conquest. Considering his subjects as *enemies*, he swayed them with an iron sceptre, maintaining thus fidelity through their fears, without condescending to conciliate their esteem, or acknowledging them as participators in the nature of their rulers.

His vast empire was divided among his sons; his grandson Kublai, who finally arrived at the imperial dignity, reacted the part of the bloody and ambitious Genghis. Under this sovereign, the Mongol empire far exceeded that of Rome in the greatest day of her power. The Roman empire was two thousand miles in breadth, from the wall of Antoninus in Britain, and the northern limit of Dacia to Mount Atlas, and the tropic of Cancer; from the western ocean to the Euphrates, it was more than three thousand miles long.\*—The Mongol empire, from Yuman to latitude *sixty*, was two thousand four hundred miles broad, and from the sea of Japhan to the Don, upwards of four thousand miles long.

The Khan Kublai, conquered Mangi or South China, Bangal-la, Burmah, &c. exacted tributes, deposed sovereigns, invaded Java and Japan, and made some unsuccessful attempts to conquer Hindostan. In riches, barbaric magnificence, tyranny and cruelty, he differed very slightly, if at all, from his grandfather. We cannot afford the space necessary to give a detailed description of the splendour of his court, as our author has done from Marco Polo and other writers. Suffice it to say, that the most gorgeous descriptions of the Arabian Nights are surpassed, and the circumstances stated by various grave writers for fact, far transcend in splendour and luxury, the boldest efforts of fiction. Thrones of solid gold inlaid with diamonds, clusters of golden columns, tens of thousands of horses, servants and animals kept for the recreation of the monarch, with uncounted myriads of troops and slaves, are of familiar occurrence in the history of these barbarians. The next of these "mighty hunters," whose claim to remembrance is founded upon the desolating effects of his ambition, was Timur Bec, commonly called Tamerlane. He was a descendant of Zagatai, son of Genghis, and succeeded to the empire in the year 1369. He was at first very much of a soldier of fortune, and did not attain the supreme command until after many successes and reverses; in

\* Gibbon.

one engagement he was wounded in the hand, and remained lame throughout the rest of his life.

The conquests of Timur were pushed high into the northern regions, where he defeated the king of Capchac, pursuing him with great slaughter, leaving for forty leagues the plains covered with the dead! Timur dismounting, fell upon his face and returned thanks to the King of kings; and then despatched seven out of every ten cavalry to destroy the conquered, who being pursued to the Volga and its islands, were all cut to pieces. After making an incursion into Georgia, and taking various places which we cannot spare time to detail, Timur returned to Samarcand, where the empress showered upon his head gold and jewels, presented him with a thousand horses, caparisoned in the most gorgeous manner, together with a thousand mules all of one colour. The emperor was triumphantly received, the city being magnificently adorned, having the streets covered with silks, satin, velvet and carpets, upon which the horses trampled as upon a road. The emperor visited the tombs of saints and illustrious men, gave largesses to the santons who guarded them, distributed alms to the poor; chained and executed various tyrants, and had thenceforth the glory of commencing among his people a "golden age." This *just* and magnanimous conqueror was guilty of every cruelty that could sink the character of soldier, in that of a ferocious and blood-thirsty savage. His reign is little more than a repetition of unexampled massacres, and barbarous displays of ill gotten magnificence, intermingled with just enough of seemingly good actions to give his flatterers ground for lauding him to the skies. Whoever has a taste for the horrible, must feel sure of satisfying it to the utmost with the account of his wars beyond the Indus, and the massacre at Delhi. After extending his conquests into Egypt as far as Damascus, and returning to his capital, he received ambassadors from Spain, Egypt, India, Gete, Capchac, &c. Having given a splendid marriage-feast in honour of the nuptials of his grandchildren, he finally recalled the license to drink wine and every other unlawful act, ordering every one to his proper business.

Timur retiring to his closet, addressed himself to God! "O Almighty being whose essence is unknown but to thyself, how can I recite thy praise, who out of nothing hast created me, and from a petty prince hast rendered me the mightiest emperor of the universe! Continue then O thou great Creator, thy goodness to me; I know that I am but dust. O Lord put me not to shame, because of my vices, who have been so long ac-

customed to partake of thy favours; and then I shall rest contented."

He then summoned his children and the great emirs, and thus addressed them :

"As my vast conquests have caused the destruction of a great number of God's creatures, I have resolved to atone for the crimes of my past life, by *exterminating the infidels of China*. It is fitting therefore my dear companions that the instruments whereby these faults were committed, should also be the instruments of repentance, and have the merit of that *holy war*, to demolish the temples of the idols of fire, and erect in their places mosques and chapels; as the Alcoran assures us that good works efface the sins of this world." These sentiments were, of course, unanimously applauded—"Let the emperor (said they) display his standard, and his slaves will follow him."

He began his march with an army of two hundred thousand men; but he was summoned in two months thereafter, to give an account of his actions at the dread tribunal of the Almighty! He died in the seventy-first year of his age and thirty-sixth of his reign, resigning his life with great patience and fortitude.

The object of our author in giving minute histories of the Mongol tyrants and their marches in various directions, is to show that the destruction of elephants and other beasts necessarily caused by the wars and huntings, is sufficient to account for the fossil elephant bones, found at the present day in high northern latitudes. We shall therefore in this place present a sketch of his account of the war elephants of the Mongols, and of the vast numbers generally employed about their courts, or in their armies.

The number of elephants employed in the armies of the Mongol sovereigns appear almost incredible, when we recollect the quantity of food necessary for the support of each individual. The grand Khan Kublai is said to have possessed *five thousand*, and capt. Jenkins, who was at Agra in 1607, and delivered a letter from king James to the emperor Jehangir, relates that the emperor had "*twelve thousand* elephants, about five thousand with teeth, the rest, females and young ones." The emperor Akbar, the predecessor of Jehangir, allotted two hundred elephants to every *toman*, or ten thousand of his cavalry.

These huge and powerful animals were trained to the dreadful business of war, and seemed to acquire a pleasure in aiding the wishes of their masters. They were covered with armour formed of plates of steel joined together by chains, so as especially to defend the trunk, head, and anterior parts of the body.



The author seems to be at a loss to decide what was meant by *chain* elephants, although he describes the armour, and mode of joining it by chains; this circumstance appears to us sufficiently explanatory of the name given to the war elephant. On the backs of these animals wooden towers filled with archers were secured, who poured down their missiles upon the infantry, being almost out of danger themselves, as the elephants were protected not only by their dense skins and superadded armour, but by their formidable trunks, wielded with death dealing force against the assailants.

Can any thing be conceived more dreadful than a field of battle covered by several hundred thousand combatants armed solely with swords, spears, axes and missile weapons, while a host of elephants are rushing upon their ranks? At their irresistible onset, thousands are dashed to the earth and trampled under foot—a blow with the trunk sends the stunned horseman to the earth—a thrust with the tusks hurls the terrified steed among his comrades, while the huge beast, urging forward his enormous weight, strews the ground with horrible carnage. Still he is under the governance of the rider who sits upon his neck, and his work of destruction is systematically pursued. But, his trunk is thrown aloft, his ear erected, his mouth expanded, and a protracted, shrill and piercing scream uttered: the spear of a horseman has entered his neck—frantic with pain, he seizes his conductor with his trunk and flings him into the air; he breaks from the ranks and plunges onwards, regardless whether friends or foes are destroyed, and continues his devastating course, until exhausted by wounds and agony he sinks at last among the slaughtered, destroying in his fall those who may have been safely conveyed through the previous horrors in the tower upon his back! To render the elephants more efficient in fight, large sabres, daggers and other offensive weapons, were fastened to their tusks, and every care was taken to inspire them with fury against their opposers. So large, ponderous, irresistible in their strength, and capable of receiving instruction, these animals were justly regarded as the most efficient part of forces slightly armed, inadequately disciplined, and more formidable from their numbers than for their actual efficiency. Composed of various hordes and nations, speaking different languages, perhaps less of concert was to be expected from the movements of the troops than from those of the elephants, all of which comprehended their duty of causing dismay and destruction to the enemy, and were destitute of fears for their individual safety.

From the authorities collected by Mr. Ranking, it appears

beyond question that elephants obtained from the warmer regions of Asia, were able to sustain the extreme cold of Siberia without remarkable injury. Tamerlane employed elephants at a season so inclement, that it was necessary to dig through great thicknesses of ice to procure them water. Other instances will hereafter be given to corroborate this statement, which although interesting in itself, falls short of establishing the conclusion our author would have us deduce therefrom. It is exceedingly to be regretted, that no accounts are preserved of the kind of provision made for the support of the elephants, in marches through waste, sterile or frozen regions. The elephants kept in the French Ménagerie ate daily two bundles of hay.\* An elephant now exhibited in this country, consumes one bushel of brewer's grains and a hundred weight of hay, daily; a barrel of water is drunk regularly within the same time. Doubtless, elephants actually employed in marches or in drawing heavy burdens, would eat more in proportion: assuming the quantity required, to be alike in both cases, we may form some idea of the number of animals and vehicles necessary to carry provisions for five hundred or a thousand elephants, even for twenty or thirty days. The elephant is certainly well suited to sustain the fatigues of marching, and travels with great rapidity over level ground; when moving apparently only in a quick walk, a horse must move at a smart gallop in order to keep up with him.

We must pass over many interesting detached observations, all tending to show that elephants were numerous employed in the armies of the Eastern Asiatics, and refer the reader to the work itself, where he will be sure to find enough to reward him for the search. Various other interesting subjects are suggested and dwelt upon, such as the origin of the Gypsies, which we cannot stop to consider on this occasion, as we have yet to give a cursory view of the Roman sports, before we can turn to the subject of fossil bones.

In his ninth chapter, our author gives an account of the Greek and Roman wars, in which elephants were employed. Alexander the Great captured all the elephants of Porus's army, which escaped destruction. He subsequently received from Bargantes and Omphis a present of an hundred and twenty. The kings on the opposite side of the Ganges had, in the immense army destined to check his advances, several thousand elephants trained to war. Seleucus subsequently received a present of an hundred elephants; and when the confederate

\* "Deux bottes de foin."

princes of Greece fought against Demetrius at Ipsus in Phrygia, they had four hundred elephants.

These animals were first introduced into Italy by Pyrrhus, and were a part of those brought by the Greeks; he had twenty elephants with towers upon their backs, which at first terrified the Romans exceedingly. But in a subsequent contest with Curius Dentatus, near Beneventum, the Romans, by the aid of blazing torches, put the elephants to flight, and turned upon the assailants the destruction they expected to inflict upon others. The confusion was heightened to an extreme degree by the roaring of a young elephant wounded in this battle; its mother broke from the ranks to run towards her offspring, and the other elephants followed her, throwing the troops of Pyrrhus into disorder, thus giving the Romans an easy victory. Eight elephants were captured; four died of their wounds, and four were sent in triumph to Rome.

Metellus succeeded in beating Asdrubal, (at Panormus, now Palermo), who had an hundred and forty elephants. The Roman general sent more than an hundred of them to the coast, where he ordered a large raft to be constructed and covered with earth; this was planked up sufficiently high at the sides, and placed upon empty barrels; the whole number crossed the strait, to Rhegium, in safety.

The celebrated invasion of Italy by Hannibal, scattered over the Roman territory a great number of the carcasses of elephants, which were destroyed in the various battles, or by different accidents; and if elephant bones be found at the present day in Siberia and Italy, our author's proofs are already sufficient to substantiate his doctrine. It is unnecessary, however, in such a sketch as the present, to repeat all the details of place and number, as we are well satisfied that the armies which came from Asia and Africa, were always well supplied with elephants.

Our author next brings us acquainted with the amphitheatres of the Romans, and presents a highly interesting picture of the manner in which the "masters of the world" were recreated by the destruction of wild beasts in the circus. It was in the year 251, B. C. that elephants were first introduced into the circus, by Metellus, being those recently mentioned as captured in Sicily. "From this period, (says our author), the passion for public exhibitions and combats of wild beasts, spread not only in Italy, but throughout the Roman empire in all the provinces." Such was the general rage, that scarcely a fixed military station was without its circus or amphitheatre of turf or timber.

The circular form of the amphitheatre was changed by Julius

Cæsar for the elliptical, and thereafter such buildings were called theatres for hunting. They were also used for the combats of gladiators, as their accommodations were so much better than the circular buildings. They were still, however, called circus, as often as by other names. Some were little more than *natural valleys*, with benches cut in the surrounding hills; others were elliptical excavations, with benches of turf, like that near Sandwich in Kent: some were partly excavated, and partly constructed with masonry, like the amphitheatre at Caerlon in Britain. There were also amphitheatres constructed to hold water for the combats of aquatic and amphibious animals. When these buildings were of timber, they were erected or removed as occasion required. Capiodorus states that Vespasian spent as much on one as would have built a capital city; and Martial relates that Roman citizens crowded from all parts of the empire to be present at these exhibitions.\*

The amphitheatres were supplied with wild beasts from the remotest provinces of the empire, and with the most rare and singular animals, without regard to their size or ferocious nature. Lions, tigers, bears, and hyenas, were brought, in what to us appears almost incredible numbers; the elephant, rhinoceros, hippopotamus, and camelopard; stags and deer of every description; zebras, wild asses, ostriches, and even the crocodile of the Nile, were all procured at different times and in various numbers, to be exhibited as objects of curiosity, to be hunted by the people in the theatre, or slaughtered in combats with each other.

The diversions were of three kinds. In the first, the amphitheatre was converted into a representation of a natural forest, by means of transplanted trees, and the beasts let into it were hunted by the people, who, on a signal from the emperor, rushed in among them and carried off what they killed. Tablets or tickets were previously thrown among the people, entitling those who caught them to the animals with which they were inscribed.

\* "Remains of amphitheatres have been discovered in the following countries:  
In *Italy*, at Rome, Capua, Fidene, Placentia, Verona, Aousta, Alba, Ontricoli, Garglio, Puzzuoli, Pæstum, Cassina, Mola, Canusium, Lavisia.

*France*, at Arles, Orange, Autun, Treves, Paris, Nismes, Bordeaux.

*Spain*, at Seville.

*Britain*, at Richborough, Caerlon, Silchester, Dorchester, &c.

*Sicily*, at Catanea, Agrigentum, Syracuse.

*Greece*, at Argos, Corinth.

*Candia*, at Sortina and Gerapitna.

At Pola in Istria—at Delos, Ephesus, Chisico, Heraclea, Jerusalem, Casaria.  
The two last were built by Herod." P. 309.



In the second the beasts combated with each other, and this was the most generally admired form of diversion, as it allowed of greater variety. Sometimes an elephant was matched with a bull, a rhinoceros with a bear, a lion with a tiger, a bull with a lion. Deer were hunted round the arena by packs of dogs. But the most wonderful spectacle of all was when the arena was converted into a lake, and crocodiles and other huge aquatic animals were introduced to combat with wild beasts.

The third mode of employing the wild beasts was in combats with men, who were called *Bestiarii*. Malefactors were condemned to these combats; others hired themselves like gladiators, and had schools for instruction in such combats; and the mania spread to so great a degree, that at length not only persons of some respectability engaged in them, but even females were found sufficiently lost to their own nature to display their daring against the savage tenants of the forest in the crowded theatre. The combatants were armed with darts and spears, and saved themselves from destruction by the agility with which they eluded the enraged animals. In this mode of combating some became exceedingly expert, and one man is said to have killed twenty animals let in upon him at once. The beasts, however, were commonly masters of the ring, and were despatched by missiles thrown from the higher parts of the theatre. As many as three hundred animals were destroyed during one exhibition. We refer to Mr. Ranking's work for further interesting details of the number and nature of the animals collected for such purposes, by the Roman sovereigns. Scarcely one remarkable animal known at the present time to exist on the old continent, was wanting, and the vast multitudes of some species which were sent to Rome, for destruction, must have had considerable influence in diminishing their numbers and restraining their diffusion.

The history of Roman Britain, as sketched by our author, is highly interesting and creditable to his talents; and the reader who has leisure for its perusal, will be well repaid for his trouble; it is out of our power, however, without extending this notice to an unmerciful length, to do more than remark that it was visited by several of the Roman emperors, who spent a considerable time on the island, and of course were accompanied by every requisite for magnificence and amusement.

The city of York was the head quarters of the empire during three years. Severus had a splendid triumph there for the conquest of the Parthians and Arabians. His court was thronged with the princes and nobles of the empire, and it may well

he imagined that the amphitheatres were not left unoccupied. Our author derives great apparent support to his doctrine from these circumstances, more especially as the fossil bones most recently found in England, are in the immediate vicinity of great Roman stations. We are willing to concede every advantage of this kind, and wish not to impugn the correctness of any of the facts he has collected, since however true they may be, they have a very unimportant bearing upon a subject to which no partial instances nor reasonings can possibly apply. To place this in an unequivocal light, it will be necessary to take a cursory survey of the study of fossil zoology, or of the organic remains discovered throughout the world. We shall thence be enabled to perceive, that notwithstanding our author's steps are strewn with gold and gems and flowers, he has wandered from the only path which can lead to a safe and advantageous conclusion of so protracted and arduous an inquiry. Were the fossil bones discovered, uniformly such as *might* have belonged to animals killed in Mongol wars, or slain in Roman sports, and were they as uniformly found in situations to which either of these great powers could be traced, his arguments would be more efficient. But skeletons are found in situations visited by the conquerors, that unequivocally pertained to animals which perished even before the first elements of Roman or Mongol power existed; and skeletons belonging to known and unknown animals, are daily found in regions where neither khan nor emperor ever conducted their barbarians, and "where the Roman eagles never flew."

The first traces of organic remains and of carbonaceous matter, occur in Werner's second class, or in the transition rocks, and it is especially worthy of observation, that these petrifications, both vegetable and animal, belong to the inferior links in the chain of organization, consisting, generally, of species unknown and extinct. The vegetable remains consist of reeds, and also of ferns, mosses, and other cryptogamic plants; the animal petrifications are almost entirely ammonites, mytilites, corals, and other zoophytes.

Fossil organic remains are found in great abundance throughout the different sets of rocks, forming the third class, or those usually denominated floetz, or horizontal. These petrifications belong mostly to known genera, though they are also among the lowest of the scale, as ferns, reeds, shells, cacti, fishes, and a few tortoises. As other more perfect or highly organized beings are very rarely found in these formations, it is inferred with justice, that such beings were not in existence at the period that floetz rocks were formed.

In the alluvial formations which occupy flat lands, we find skeletons of larger quadrupeds, such as have been disinterred in various parts of Europe, and in North and South America. But the situations most prolific in organic remains, are those partial or local formations, produced by the action of circumscribed deluges from rivers or seas. These formations have been explored in various parts of Europe and America, and have furnished the largest contributions to the study of fossil zoology. In these formations, we find alternate layers of fresh water and marine alluvions, and occasionally marine remains intermingling with the bones of large land quadrupeds, or as in the Paris basin, layers of fresh water fossils irregularly superimposed by layers of marine productions.

The bones of oviparous quadrupeds are found in more ancient strata than those of the viviparous. The crocodiles of Honfleur and England, are found beneath the chalk; the monitors of Thuringia occur in the copper slate along with a great number of fresh water fishes, and this slate, according to the Wernerian school, is to be ranked among the most ancient of the floetz, horizontal, or secondary formations. The great alligators or crocodiles and tortoises of Maestricht, are obtained from the chalk formation; these, however, are marine animals. This earliest appearance of fossil bones would indicate that anterior to the formation of the chalk strata, dry lands and fresh water must have existed. Yet neither at that early period, during the formation of the chalk strata, nor for a great lapse of time afterwards, do we discover any traces of mammiferous land quadrupeds. The bones of mammiferous sea animals, such as lamantins and seals, are first found in the coarse shell limestone, immediately covering the chalk strata, in the neighbourhood of Paris. No vestiges of mammiferous land quadrupeds are to be found therein, and it is not until reaching the strata covering this coarse shell limestone, that the bones of land quadrupeds are obtained.

It is legitimately inferred that shells and fish did not exist when the primitive rocks were formed, that the oviparous quadrupeds and fish began their existence at the commencement of the formation of the secondary strata, and that the land quadrupeds did not appear upon earth until after the coarse shell limestone had been deposited. This shell limestone contains most of the known genera of shells, but many of the species are extinct, or such as are entirely different from those now known to exist, as all the bones of viviparous land quadrupeds have been found either in fresh water depositions or alluvial formations.

The deduction therefrom is, that the existence of such animals, or at least the epoch at which they were deposited, is to be dated from the period which intervened between the last inundation and the preceding recession of the waters.

But, in none of the strata yet explored in any part of the world, has any fossil remain of the human kind been found. From primitive granite to the most recent tertiary formation, all are alike destitute of proof that the existence of man had commenced at the periods when they were formed. The most delicate vegetables, shells, bones of small reptiles, and of small as well as large quadrupeds, have been preserved in high perfection of form: but man is not recorded in the pages of the same unerring book, and must have become an inhabitant of the globe even ages after many races of inferior animals had been extinguished for ever.

Yet Mr. Ranking would persuade himself that the elephants of Genghis, Hannibal, and the amphitheatres, furnish the bones discovered at the present day, while the tens of thousands of unfortunate human beings that perished at their sides, or were crushed beneath their falling carcasses, have so thoroughly reverted to dust, as not to leave the faintest indication of their having found a common grave! But, what need is there to inquire what became of the dead left exposed to the vicissitudes of the seasons by the despots of Asia, or the men of Rome? Where are the myriads of men harvested by death over the face of the earth since man has ranked as one of its inhabitants? Not one fossil relic has been furnished since the inception of our race! How then is it, that animals having bones as perishable or more so are preserved, when the bones of contemporary man, left in the same situation, and under the same circumstances, have entirely disappeared! To our minds the answer is clear; the bones found, belonged to animals which perished previous to the existence of our race, and owe their preservation to the peculiar character of the situations where they were originally deposited, and have ever since remained undisturbed.

The results of the labours of Cuvier alone, give us seventy-eight different viviparous and oviparous quadrupeds, of which forty-nine are distinct species, entirely unknown to naturalists, and with the amplest reason believed to be extinct. Eleven or twelve are of well known species, and the residue are considerably similar to known species, but are still not sufficiently characterized to remove all doubt.

Twenty-seven of the forty-nine new species, are of necessity



referred to seven new genera; while the other twenty-two species belong to sixteen genera or subgenera previously established. Of the seventy-eight species, fifteen belong to the eleven genera or subgenera of oviparous quadrupeds, while the remaining sixty-three belonged to the class of mammiferous animals. Of the latter, thirty-two species are hoofed animals; not ruminant, and belong to ten genera; seven species are granivorous, of six different genera; eight are carnivorous belonging to five genera; two are sloth and two are amphibious, as is sufficiently evident from the perfect preservation of all the forms of the bones and the entire absence of all marks of attrition.

The most striking among the new genera of animals whose skeletons have been preserved in the various local and alluvial formations, is that of the *mastodon*, established upon the huge relics found most abundantly on the banks of the Ohio, and in other parts of our country. Until the discovery and examination of the bones of this great quadruped, naturalists had not ventured to believe that any kind, or species of animals had ceased to inhabit the earth. They referred all the large bones discovered to the elephant, or considered them as mere freaks of nature; but having gained some of the most essential parts of the skeleton of the mastodon, as the jaws and teeth, they were forced to conclude that the animal was not of the same character with any which the ancient naturalists had recorded, and was entirely unlike all others determined by modern investigation.

This great animal must have generally equalled, and in many individual instances excelled the largest elephants of the old continent, in size. Like the elephant, this creature was endowed with enormous ivory tusks, which together with the height of its body and the shortness of the neck, render it certain that its resemblance to the elephant was rendered still more close by the possession of a flexible trunk. But the peculiarities of its great teeth distinguish it in the most remarkable manner from the elephant. The teeth of the mastodon, like those of carnivorous animals and man, are only superficially enameled, as far as the neck of the tooth, where it rests against the edge of the socket: the crown is composed of a double row of large conical protuberances, transversely disposed. The teeth of the elephant are made up of plates of enamel passing vertically through the substance of the tooth, alternating with layers of a softer bony matter. Five species of the genus *mastodon* have been ascertained by Cuvier.

The most perfect skeleton of the gigantic species, is that

contained in the Philadelphia Museum; this was preserved to the scientific world through the laudable enterprise of the venerable founder of that institution.

The number of these great beasts once existing on this continent, must have been proportionally as great as that of the elephants now existing on the old continent. Scarcely an alluvial soil is explored, in many parts of our country, without disinterring parts of mastodon skeletons, and the vast amount of bones already procured from single localities, is such as to fill us with wonder; many of these places are not yet exhausted. These situations have also furnished a considerable number of *elephant* bones, which appear to have been deposited at a period far anterior to the time when the mastodon perished. In many instances nothing but the teeth has withstood the influence of time. Where they have been obtained at a greater depth and in a softer soil, more of these elephant bones have been preserved. At Bigbone Lick in Kentucky, in Louisiana, in South Carolina, in Maryland and New-York, various parts of elephant skeletons have been procured, and may be examined in the rich collections of the American Philosophical Society; of the Philadelphia Museum, the Academy of Natural Sciences of Philadelphia, and the Lycæum of Natural History of New-York. Fragments of such skeletons are also preserved in various private collections of our country, and many specimens have been sent to European cabinets.

France has furnished fossil remains of a *Tapir* of the most astonishing dimensions. The tapir is an animal which until within a comparatively few years past was thought peculiar to South America. But, another species has been discovered in Sumatra and Malacca, by M. Diard. The size of the tapir of South America is about five feet nine or ten inches long, by three feet six inches in height. The general aspect of the animal reminds one of the hog. It has a trunk two feet, half an inch (French) in length, which is as moveable as that of the elephant, though resembling the snout of the hog at its extremity rather than the trunk of the elephant, which is provided with a sort of finger-like process. It is a nocturnal, timid and solitary animal, frequenting large forests and marshy places, though its place of repose is always a high and dry one.

The gigantic fossil tapir must have equalled the *largest elephant* in size, and as its remains are found in company with those of the elephant and rhinoceros, it is fair to presume, that they were cotemporaries. The first specimens of this skeleton were obtained near Reine, in Comminge, not far from the river Louze; others were found in the neighbourhood of Vienna, and near

Grenoble, in an alluvial soil near the Isère at St. Lary; at Ar-beichan; in the department of Arriège near to the Sèze; in the plains of Beauce three leagues from Orleans, and finally at Avaray and Beaugency.

Siberia has furnished a fossil rhinoceros, which bears the name of the celebrated Pallas. This species is distinguished from those now existing on the continent, in the most decided manner, not only by its greater size, but by having the cavity of the nostrils divided by a solid bony partition, which none of the living species possess. The remains of this species are very abundant in Siberia; a carcass of one but very slightly injured was disengaged from the ice in 1771, upon the banks of the river Wilhoni. The body of this animal, especially about the feet, was clothed with a large quantity of hair, which was evidently intended for its protection against the rigours of the Siberian climate, where at the present day no rhinoceros can exist. As it was solitary in its habits, frequenting remote and marshy situations; indocile, fierce, and clumsy in all its actions, we can hardly believe, if our complaisance be never so extensible, that Genghis, Kublai, Tamerlane or any of their successors could have been so propitious to Mr. Ranking as to have driven all these rhinoceroses into the frozen regions of Siberia, there to assume a new nature, and leave for the admiration of posterity skeletons constructed on a plan entirely dissimilar to the species now known as inhabitants of the warmest parts of Asia and Africa.

The head of a two horned rhinoceros\* was found at Mount Pulgnasco, in the department of Taro, in company with bones of a whale and a dolphin; other fragments of this species were found on the banks of the Po in Tuscany, and in the Val d'Arno. They are most numerous in this last named locality, but not so common as are those of the elephant and hippopotamus. Remains of a *rhinoceros*, whose size could not have exceeded that of a hog, have been found at St. Laurent, in the department of Tarn and Garonne.

Three species of fossil hippopotamus have been discovered in Europe; the largest in the alluvial soil of Val d'Arno, and also in the plain of Grenelle, near Paris. The second, or intermediate sized species, at St. Michel in Chaisine, department of Maine and Loire. The third and smallest species is less than a common hog, and its fossil remains were found at a depth of twenty feet, in company with bones of crocodiles, in a calcareous deposit, near Blaye, in the department of Charente.

\* *R. Cuvieri.*

Three genera, *Paleotherium*, *Lophiodon*, and *Anoplotherium*, containing several species, of animals having some analogy with the tapir, have been obtained from the plaster quarries of Paris. The characters upon which these genera are established, are so decided as to leave no doubt of the fact that these animals have, for ages, been extinct. Their bones are found in company with the numerous other relics contained in the plaster quarries, evidently showing, from their equal degree of preservation, that they were cotemporary therewith. The largest species of *paleotherium* is of the size of a horse; the smallest of the size of a sheep. The largest *lophiodon* is of the size of a rhinoceros, the smallest not larger than a sheep.

The caverns of Gailenreuth, on the frontiers of Bareuth, have presented zoologists with an extensive variety of fossil bones. These caves were first explored and described by Esper, and they occur throughout an extent of country two hundred leagues in length. This observer informs us, that after passing through a succession of caves, he at length arrived at a narrow passage eight feet high, and about as wide, which terminated in a grotto twenty-eight feet high, by forty-three feet square. The floor of this charnel house was composed of a vast amount of animal earth, formed from the decayed bodies of animals, whose bones were profusely strewed around. Groups of ponderous stalactites depended from the vault above, and together with the skulls and bones lying in confused heaps, made this not unfit for a temple of the god of death! Hundreds of cartloads of bony remains might have been removed, and bags filled with fossil teeth. The stalactites enclosed animal remains, and the black animal earth, forming the floor of the cavern, extended to the utmost depths they could dig. According to the estimation of Cuvier, rather more than three-fourths of these bones belong to species of beasts now extinct; one-half or two-thirds of the remaining fourth to an extinct species of hyena; a very small portion to a species of lion or tiger, and the remainder to animals similar to the dog, wolf, fox, and polecat. One extinct species of bear obtained from these caverns, has a skeleton as large as that of a *horse*. Such an animal would have been, indeed, an acquisition to a Roman amphitheatre! and had they not unfortunately ceased to exist, even before the wolf-nursed founder of Rome commenced his career, would doubtless have made part in the shows and sports of the "queen of cities," as their numbers must have been exceedingly great. The vast caverns of Gailenreuth, Belle-Roche, Roche Fontaine; Nobberg; Wizer-Loch; Wunderhähle; Klaustein; Mokas; Rabenstein; Kirch-Ahorn;



Sewig; Horen-Mirschfeld; the caverns on the south side of the Crapak mountains in Liptow, Hungary; the caverns of the Hartz mountains, especially those of Bauman in Blakenberg, Licorne near Scharzfelds, and that of Harzburg-Ufftingen in Stolberg, contain a greater number of skeletons of this species, than ever were destroyed of common bears in all the Roman empire, from its foundation to the present hour. Along with this gigantic species, another bear of nearly equal size has been discovered; differing from the former in a very decided manner, in the configuration of its skull, and the number of its teeth.

North and South America have produced a genus of fossil quadrupeds, which, both in size and singularity of character, will bear a comparison with any of those we have yet mentioned. The megatherium of Paraguay, which has long graced the Cabinet of Natural History at Madrid, and of which a specimen has since reached the French Museum, is an animal whose skeleton most closely resembles that of the sloth. Every circumstance connected with its organization, leads to the belief that its habits and movements were analogous to those of that singular creature. Yet this skeleton is very little if at all inferior to that of a large *rhinoceros*!

Another species was found in Greenbriar county, Virginia, and described by our illustrious fellow-citizen, Jefferson, in the Transactions of the American Philosophical Society. This species, which he called at first megalonyx, now, as pertaining to the genus megatherium, bears the name of *M. Jeffersonii*. Of the South American species, *M. Cuvieri*, three skeletons have been exhumed, one in Paraguay; one on the river Luxan, three leagues west-south-west of Buenos Ayres; and a third near Lima. Of Jefferson's megatherium, nothing but part of one skeleton has yet been found.

The limestone quarries of Germany have furnished a great variety of fossil animals, some of which exceed all others in singularity of character. Among others may be mentioned the creature called *ornithocephalus antiquus* by Scemmering, obtained at Aechstedt. This singular animal appears to have been one of a series intermediate to the class of viviparous quadrupeds, and birds, occupying, in a natural arrangement, a place between flying quadrupeds and birds. Scemmering\* believes it to have been a flying quadruped, analogous to the bat, and most nearly allied to the genus *Pteropus*, or the great Ternate bat.

\* Vide Denkschriften der Königlichen Academie der Wissenschaften zu Muncheng für 1811, und 1812.

It differs from that genus, in having four instead of five toes, and in having only one on the fore-feet elongated, while the pteropus has but one short toe, and all the rest elongated. The skeleton is ten inches four-twelfths long, and is imbedded in limestone, by whose contraction it appears to have been somewhat compressed and distorted. The skull is remarkably small, while the *jaws* are *longer than the body*, and furnished with sharp slightly bent teeth. The neck is as long as the body, and composed, as in most mammiferous quadrupeds, of seven vertebrae. There are four limbs, having four toes on each; one of the toes on the anterior limbs is very much elongated, while the other three are short. All the toes have claws; the toes of the hind, are longer than those on the fore-feet. No tarsal bones were found along with the metatarsal and claws; it is possible the tarsal bones may have decayed. The animal had a distinct tail. The head bears a very considerable resemblance to that of a woodcock; the enormous jaws, and the sharp teeth, remind one of the crocodile, or alligator. Scemmering is inclined to believe, from the structure of the mouth and teeth, that this singular creature fed on large insects, which it caught while on the wing, and that its power of flying must have been considerable.

We shall conclude this very imperfect sketch, by giving a short account of a few fossil animals belonging to the class of oviparous quadrupeds, found in the Maestricht quarry, and in England.

The animal found in the Maestricht quarry was ascertained by Cuvier to have been a *monitor*, a genus of the lizard tribe, intermediate to those which have a long and forked tongue, and those which have a short tongue and the palate armed with teeth. The skeleton was about twenty-four feet long. The head is one-sixth of the length of the whole body; a proportion approaching that of the crocodile, but different from the monitor, whose head is but one-twelfth of the length of the body. The tail of this animal must have been a broad and powerful oar, enabling it to move with security and ease amidst the most turbulent waters. From various circumstances connected with these bones, which we need not here detail, Cuvier concludes that this huge creature was an inhabitant of the ocean, although none of the existing lizard tribe are known to inhabit salt water. A tooth which belonged perhaps to an individual of the same species, was found at the foot of the Neversink Hills, in New-Jersey, and is figured in Mitchill's interesting additions to Cuvier's Theory of the Earth. The specimen is deposited

in the valuable cabinet of the Lycæum of Natural History of New-York.

The animals of this class discovered in England, are the ichthyosaurus, plesiosaurus, and megalosaurus. All of them have some analogy with the crocodile, but approach also the structure of fishes. The megalosaurus is the most remarkable of them all; its skeleton is estimated at upwards of sixty feet in length, and its bulk must have equalled that of an elephant seven feet high. Its head terminated in a flat, straight, and very narrow snout; it was provided with paddles of vast size; and like the great monitor heretofore mentioned, it is more than probable that the megalosaurus was a tenant of the briny deep, where it was only equalled or exceeded in size by the largest whales.

Thus, we see that in the animal kingdom changes of the most wonderful character have at some very remote points of time occurred. Proof of an irrefragable kind, is offered us from all parts of the world hitherto explored, that animals once existed, which have been entirely extinct for ages beyond all human tradition or record. If the mastodon, the megatheria, paleotheria, gigantic tapir, or gigantic bear, had ever been known, even to the rudest and most savage of mankind, some tradition, however wild, some echo, however faint, would have been continued to the remotest posterity. Neither is there the slightest ground for believing that these great extinct genera and species could, in any way, have been the originators or sources of creatures at present existing. We have no trace of intermediate species; and we are satisfied that many genera at present existing, were cotemporary with some of the extinct genera, as we find their bones together, and under precisely the same conditions as to age, &c. To satisfy ourselves on this point, it is unnecessary to do more than refer to what occurs in nature at the present time; we do not find *species* in a state of domestication, or in their savage condition, gradually blending together. The horse does not mingle with animals not of his own kind—and when he does procreate an offspring with an animal of his own kind, but of a different *species*, as the ass, the mule produced is sterile, and unable to extend the confusion and irregularity. Climate, exposure, and peculiarities of diet, are able to produce great external differences or varieties, even in animals of the same species. The colour and quality of the hair; the quantity of ivory produced; the texture of the skin, &c., may all be affected to a considerable degree. Yet the important characteristics, which may be considered as the indication of the nature of the animal, are not in the slight-

est degree affected by time, climate, nor accident, but are continued from generation to generation, unchanged in the slightest peculiarity.

Anxious to examine this subject in the fairest and amplest manner, M. Geoffrey St. Hilaire, the highly distinguished naturalist and philosophical anatomist, obtained for Cuvier, during the time he was in Egypt, all the mummies of animals that were to be gathered from the pyramids and catacombs. Among these were the ibis, cats, dogs and heads of the ox. If it were possible that species could change during a lapse of time, certainly this was a fair opportunity for testing the truth, as the most recent period to be assigned to these mummies could not be less than three thousand years. But, on the most careful and faithful examination, it was impossible to discover the smallest difference between these mummies and their congeners existing at the present day. The ibis which wheels along the banks of the Nile, is at the present moment, exactly the same as its predecessors in the days of the Pharaohs. The same may be said of human mummies, which show us no greater difference between the men of antiquity and those now living, than may be found in individuals of the same country, or of different nations. If a lapse of *three thousand* years be insufficient to produce the slightest *specific* change in the structure of animals, of what avail is Mr. Ranking's proofs that Genghis killed elephants, or that the Romans slew wild beasts wherever they were established. Why talk to us of the Mongol having carried elephants into Siberia, and of elephants being able to stand the climate? Do we not see in the same genus, the wolf howling under the influence of famine near the pole, and the jackal yelping in crowds after the wild buffalo in the hottest parts of Asia and Africa? And is it not the case with multitudes of other genera? and occasionally, individuals of the *same* species, are found throughout every variety of climate, from the equator to the poles. Yet no changes of place or climate, produce changes of generic or specific structure; the fossil elephants found in Europe and America are *specifically*, that is *organically*, different from the elephants now obtained from Asia and Africa. The Mongolians and Romans obtained their elephants from Asia and Africa, even subsequent to the Christian era, and therefore, the elephants thence obtained *could not* have furnished the bones of the fossil species. The bones of man, under equal circumstances, are as enduring as those of other animals; repeated observations upon former fields of battle, prove that the bones of the horseman suffer as little from the vicissitudes of seasons, as those of his steed. Thousands of men and



horses perished at the same time, and in the same places with the elephants; yet hath not one solitary human bone been discovered along with them—and very rarely those of the horse. But bones of the hippopotamus, whale, dolphin, rhinoceros, and other animals, have been, in numerous instances. We might admit, that some of the bones found near where Roman stations once were held, *might* have been of animals killed by them, if they were not mingled with bones of creatures so strikingly different in character, that the Romans could not have possessed such, without having left some record of the fact. But when we look abroad upon the earth, and learn from the *few* and *partial* explorations which have yet been made, that the organic remains of hosts of beings have been discovered, plants, shells, fishes, reptiles, quadrupeds, almost innumerable, wonderful in structure and of mighty size, which by some desolating power have been swept into nothingness, we shall be inclined to smile at the Mongolian conquerors and their elephants, no less than at the “king-citizens” of Rome and their life-consuming amphitheatres.

These considerations might be infinitely strengthened, by a full examination of the soils in which the most remarkable of these fossils have been found. The changes which take place in most of them, are such as to require great lapses of time for their accomplishment, and would fix the dates of their formation in the earliest infancy of our globe. But we have already said so much, without being able to do more than glean here and there a few scattered portions of the evidence against our author’s conclusions, that we shall relinquish the inquiry for the present; under the full conviction, that if the ingenious author of the “*Historical Researches*,” would devote half as much time to the study of the facts collected in relation to general fossil zoology, as he has employed on that work, he would be one of the first to look with doubt or pity upon the doctrine he has with so much zeal attempted to enforce.

ART. V.—*An Essay on the Doctrine of Contracts; being an Inquiry how Contracts are affected, in Law and Morals, by Concealment, Error, or inadequate Price.* By GULIAN C. VERPLANCK. New-York, 1825. 8vo. pp. 234.

THE learning and industry of the American lawyer have been repeatedly exercised in the republication of professional works, with such additions as were proper to render them more useful to the American student; but an original treatise on the science of jurisprudence is a rare occurrence with us. It is a field on which genius and knowledge may be profitably employed; but it must be done with infinite caution and discretion. The peculiar situation of our country; the nature of our government; the habits and manners of our people, certainly require, and have already induced, many changes in the laws which govern in Europe; and particularly in the kingdom whence we are immediately derived. Untrammelled by the usages and prejudices of ages, we are able to receive improvements, which would not be admitted in older communities. In Pennsylvania, various beneficial alterations have been made, not only in the practice of the courts in the administration of the laws, but in some essential principles of jurisprudence. We have gone on slowly and cautiously, relying on long experience, not sudden emergencies or brilliant speculations, for our guide, and the result has seldom disappointed the anticipation.

On the other hand, nothing can be more unwise and dangerous than a wild, ungoverned spirit of innovation in the law. We must not break down established principles, long acted upon as land-marks of right, to indulge fanciful theories; much less to exhibit a rash courage of affected independence, or a foolish ambition to show we are all-sufficient for ourselves. It is the great privilege of a new people to profit by the experience of those who have gone before; and it is their highest wisdom to make use of it without either a slavish, indolent subserviency, or a reckless rejection of its lessons. We should be particularly vigilant and cool, when we would attempt any change in the English law. It is not only woven in all our institutions and systems of jurisprudence, but may be said to be a part of ourselves. On a question of property, we can hardly think out of it; to demolish it would break up the very foundations of society. Some inflated, dreaming politicians, build beautiful systems in their visions, and believe that, if all we have were swept away, they would produce a more admirable substitute. But let them beware; and let us beware how we

listen to them. As easily could the pyramids of Egypt be replaced by a few modern bricklayers, as the common law of England by such jurists. We would not touch an important principle that has long been a rule of decision, without the clearest demonstration of a general and essential advantage from the change.

It is not enough to show, by actual or supposed cases, that the existing rule may sometimes fail to do complete justice; or that the proposed substitute would meet the exigency of such cases. Nothing could stand before such a principle of destruction. No legislator ever expected to give a law which would exactly fit itself to every transaction that rises every hour in the diversified business of men. The laws of nature do not possess this universal beneficence. The genial shower that fertilizes one man's field, may injure another. The winds, without which the atmosphere would become a stagnant, pestilent element, sometimes tear up the lofty forest, and overturn the habitations of men, burying navies in the vast deep. The rains of heaven, without which famine would desolate the earth, occasionally swell the floods until they spread devastation and death over extended districts. Assuredly we will admit, that, if it were possible to render exact justice in every case of litigation, it would be a perfection in the law "devoutly to be wished;" but this is so far from obtaining, that we have strong doubts whether precise and full justice, as between the parties, is ever reached in any case. We do not now allude to the most simple and unembarrassed adjudications; but to causes of some contradiction in their evidence, and complication in their circumstances. How seldom does such a case come before the tribunal which is to decide it, as it really occurred between the parties. Witnesses die or remove; the memory of those who remain is defective; expressions are forgotten or misplaced; the meaning is sometimes mistaken by the manner of repeating them. All these things—to say nothing of wilful misrepresentations and fraudulent tricks, not unfrequent—produce the most material changes in the transaction they pretend to represent; but from such sources must the knowledge be derived that decides the right. Nay, farther, when the whole evidence of the disputed contract consists of written documents, it is often found, when they come to be closely scrutinized, that from some careless omission or loose expression; or by passing through the crucible of construction and criticism, they receive an interpretation never understood by those who used them. Yet such is, and must be, what is called the administration of justice among men. Three-fourths of our differences and disputes are made

up of mistakes and misapprehensions, from haste or confidence or carelessness in making bargains, and it would be idle in the law to attempt to reconcile or correct them. The difficulties are often intrinsic and insuperable. The law does enough when it *settles them*, with a reasonable and practical regard to the circumstances of the case, by rules just and equitable in their general application to similar transactions.

These introductory remarks appear to us to be a groundwork on which to proceed to the consideration of the "Essay on the Doctrine of Contracts."

The decision of the Supreme Court of the United States, in the suit of *Laidlaw v. Organ*, in February 1817, was the immediate occasion of the treatise before us. The consideration of this case led the author into a more extended examination of the subject; and finally produced the present work, in which he institutes a comparison between the *law of sale*, as established by the common law of England, and the Roman or civil law; and, without being willing to adopt all the principles of the former, manifestly prefers it to the latter. Indeed, he is not sparing of sharp censure upon the one, while on the other he lavishes adulation and applause. We propose to take a view of the case of *Laidlaw v. Organ*, with the author's remarks on the judgment of the court; of his objections to the common law of buying and selling, and the merits of his substitutes, in which he endeavours to compound a *tertium quid*. We hope and intend to perform this duty with the candour and justice which are due to the office of a critic; but with personal feelings of kindness and respect for the author, and a sincere pleasure at seeing his learning and talents employed on a subject at once elevated and useful. The example and wondrous success of men of genius and education, who have wholly devoted themselves to the amusement of the world, seems to have turned every hand that can hold a pen, in that direction; and disquisitions upon deeper and more useful matters, have been either abandoned, or left to inferior minds. When princely fortunes are accumulated, in a few years, by brilliant poems and popular romances, who will think of writing books on jurisprudence, which probably will attract but little attention, and wind up, in an account between the author and his publisher, with a mortifying and embarrassing balance against the former?

The case of *Laidlaw v. Organ*, was, originally, tried in the District Court for the Louisiana district. The facts, as they appear on the record transmitted to the Supreme Court, were as follow: In the night of the 18th of February, 1815, *three per-*



sons brought to New-Orleans, from the British fleet, the news of the signing of the treaty of peace at Ghent. Mr. White, one of these persons, published this news, in a handbill, on the next morning, being Sunday; and it was made public by eight o'clock of the morning of that day. This news was communicated on Sunday morning, by one of the three gentlemen who brought it, to Mr. Organ, the plaintiff in the suit below, and purchaser of the tobacco in question. Mr. Organ called on Francis Gerault, a partner in the firm of Laidlaw & Co., *soon after sunrise on Sunday morning*, before F. G. had heard the news. F. G. asked him if there was any news which was calculated to enhance the price or value of the article about to be purchased—the *buyer was silent*; the purchase was made; the bill of parcels delivered between eight and nine o'clock, and the article immediately rose from thirty to fifty per cent. The next day, F. G. was applied to for an invoice of the tobacco, when he made no objection to the sale, but promised to deliver the invoice in the course of the day. It also appeared that the parties had been bargaining for this tobacco the preceding evening. It is obvious there are circumstances in this transaction, which, on the most liberal equity, would cut the seller off from any strong pretensions to complaint and redress. Men must do something for themselves in their dealings, and not throw all the consequences of their blindness and folly on the law. It is impossible to take care of such dolts in any other way than by treating them as idiots and children, incapable of making any contract. There had been a bargaining the preceding evening for this tobacco, without agreement; and the next morning, *soon after sunrise*, and *on Sunday too*, the purchaser comes and is ready to conclude the purchase. He is asked the direct question, whether there is any news to enhance the price of the article, and he makes no answer to this most pertinent inquiry. A most significant silence is observed, which would have put a man of common discretion on his guard, and induced him to pause, and, at least, step into the street and seek the information about which his purchaser was so marvellously dumb; but this vender, with so much to excite caution and distrust, even in a dull and unsuspecting mind, runs headlong into the contract, and then calls upon the law to draw him out of the consequences of such gross negligence. On the next morning, when fully acquainted with the treaty, and all its effect upon his tobacco, he makes no complaint of his bargain, no objection to complete it, but gives a full ratification to all he had done. His moral sense did not suggest to him that he was wronged; he thought it an ordinary chance of

trade, which had turned against him. It was for a doctor of the civil law, with a conscience more sensitive, or better trained, to discover the iniquity of the transaction.

We have recapitulated these circumstances, that the whole case may be known to the reader; but, at the same time, acknowledge they do not enter into the decision given by the Court. The Chief Justice states a broad and clear principle, which, in the opinion of the Court, was the law of the land in that and similar cases. Judgment was delivered in these words:

"The question in this case is, whether the intelligence of extrinsic circumstances, which might influence the price of the commodity, and which was exclusively in the knowledge of the vendee, ought to have been communicated by him to the vendor? The Court is of opinion, that he was not bound to communicate it. It would be difficult to circumscribe the contrary doctrine within proper limits, where the means of intelligence are equally accessible to both parties. But, at the same time, each party must take care not to say or do any thing tending to impose upon the other."

Was this a just and legal judgment? We cannot doubt it. It must be observed, that this case is not of that class which falls under the rule of "*caveat emptor*," as applied to any defect of *quality* in the thing sold, known to the seller and unknown to the buyer, or unknown to both; nor yet to that class in which the civil law gives redress on the ground of *inadequacy of price*. It is a mixt case of concealment and inadequacy of price; that is, of inadequacy of price occasioned by the concealment of a fact, which, if known to the seller, would have enhanced the price. The concealment would have been no cause of complaint, if it had not affected the price the latter would have demanded for the article; nor would the subsequent increase of price have afforded a claim for redress, if the circumstance which caused the increase had been known to the buyer and concealed by him from the seller.

We recur to the case. Nobody appreciates and reverences the "logical and original mind" of the Chief Justice more than we do; nor estimates more highly the invaluable benefits these United States have derived from it; and it is not a little in favour of the rule the Chief Justice has adopted, without reserve, that such a mind has yielded full assent. It would indeed, as he says, "be difficult to circumscribe the contrary doctrine within proper limits;" and in these few, but pregnant words, he exposes the inconvenience, instability and danger of referring such questions to what Mr. Verplanck calls the "moral judgments of men;" or "their unstudied impressions of right and

wrong;" or their "notions of sound morality." It seems to us to be a radical mistake in Mr. V.'s argument, that there is a standard of "moral judgment," or "conscience" except in very clear and broad cases. The tribunal of conscience; the impressions of right and wrong; the notions of morality, on which he builds so much of his system, are no where to be found in any fixed shape or character. These vary with education, habits, natural passions and propensities, feelings, strength of intellect, interests, and other causes and circumstances. To refer a question of "right and wrong" to such standards, would be to have no right or wrong. In another part of the essay, when arguing stoutly and successfully against the Civil Law doctrine of "equality of price being necessary to a fair bargain," he says truly and forcibly, "whenever the courts have lost sight of the plain distinction that insufficiency of force means nothing at all, except relatively and by comparison, and that it can have no effect upon the fairness of any bargain, unless that comparison affords a fair legal presumption of fraud, or oppression, or gross error as to facts, their decisions have been *capricious, confused and contradictory, beyond those of any other head of equity.*" Again he speaks of the danger of suffering agreements to be liable "to be set aside, in conformity to the *opinions*, the *caprices*, or it may be the ignorance of a Chancellor, or Equity Court." And yet all this would be mathematical certainty in comparison with the unrestrained decrees of conscience, moral judgment and sound morality; which are frequently nothing more than the opinion, caprice, ignorance or interest of the individual pronouncing them. It is very easy and pretty to say, "truth alone is immutable and eternal;" but it is not the less difficult to discover what is the truth.

But how is it clear that the moral judgment of any intelligent man would declare the tobacco contract mentioned, invalid? How is it clear that any absolute injury and injustice was done to the seller? To say that he did not make *as much* profit by his tobacco, as he would have done had he known of the peace and postponed his sale for a few hours, is saying nothing even to the abstract justice of the transaction.—To seek that we must look further back, if we look back at all; but how much further it is impossible to say; perhaps to the planter who grew it. The seller of this tobacco obtained for it what, in his judgment, was a full and fair price; that is, a price which afforded him a just profit for his labour, his capital, and the usual expectation of the trade. But a circumstance has occurred which would have greatly increased that profit; which would have induced him to demand a much higher price, had it been known



to him—as, however, by negligence or casualty he has suffered this advantage to escape him, why should the law bring it back to him? Why restore him to a situation he has lost, in the usual course of his business, without any fraud or artifice used to withdraw him from it? If the day before he had purchased the tobacco at a still lower rate than he obtained for it, why should not this conscientious, moral equity go back to the person who sold it to him; and so on, as far back as the actual occurrence of the fact, to wit, the treaty, which gave the additional value to the article, and from which moment it became certain the article would rise? Why should the last seller have the whole increased profit awarded to him, and he alone be permitted to rescind his contract? Why do conscience and morality stop there?

Certainly we are aware that it may be answered, that in the preceding sales there was a mutual ignorance, and in the last this ignorance was only on the side of the seller; still we ask, why should not mutual ignorance of a fact *affecting the contract*, invalidate it; and, indeed, *a fortiori*, because in that case it is not what either party intended. In cases of latent, defective *quality* in goods sold, unknown to both parties, our author contends for the Civil Law rule which avoids the contract, or rather declares there was no contract; and does not all the argument for that doctrine equally apply to any other fact, of which the parties were mutually ignorant, affecting the contract, or the thing which is the subject of it, even in a greater degree than the latent defect? Let us suppose that this intelligence of a treaty had been untrue; or it had not been ratified, and this tobacco had fallen, after the purchase, still lower than before; both parties having heard the rumour, and both believing it, what would our moral judgment say in such a case? Could the seller be called upon to take back his tobacco and repay the price, which had been thus enhanced? Are all the chances—the whole chapter of accidents and events, to be on one side? If contracts are thus to be the sport of rumours, to be affirmed or invalidated as they prove true or false, the whole business of buying and selling must cease, and commerce become nothing but a source of ruinous and uncertain litigation. It is not only the peace or war of our own country which affect the value and prices of commodities, but of foreign states also; and, of course, the knowledge or ignorance of these events will have the same influence on our contracts.

Our reasoning to bring these cases within the civil law doctrine of concealment, may be said to be uncertain and inconclusive. It may be so; and so must all reasoning be which is drawn



from the conscience of special cases; and this demonstrates the necessity of a general, steadfast rule, like that of the common law, which acts on a broad principle of policy and justice; and is not ever shifting and changing its position and dimensions to accommodate itself to the real or imaginary equity of every transaction.

The practical wisdom of the remark of the Chief Justice, is now manifest, that "it would be difficult to circumscribe the contrary doctrine within proper limits," either as to the nature or extent of the knowledge which the party possessing it is bound to communicate. Our author struggles in vain with this difficulty, and endeavours to obtain a rule which will avoid it, more enlarged than that of the common law; but it cannot be found. He admits that "a literal compliance with the ancient civil law doctrine of concealment, would speedily put an end to the inestimable advantages that society derives from the wholesome stimulus of commerce and the arts, given by the prospect of profit to be acquired by superior skill and industry; by minuter attention to business, or by a more *extensive correspondence*, and more *authentic intelligence*." Here appears to be concession enough to cover the tobacco case, and justify the judgment of the Court, at least in that instance, if it does not maintain the whole principle laid down. Again, the author of the Essay goes on, "It is not true that either party is bound in conscience, or even by a delicate and fastidious honour, to communicate to the other, *omne quod interrerit scisse*, every circumstance regarding the business, which the buyer has an interest in knowing. A thousand examples of familiar occurrence may be imagined, where the peculiar talent or the industry of one man has given him a superiority of knowledge which it would be of the greatest use to the other side to participate in, but which no one could ever think him bound to communicate." He then proceeds to put some cases to explain his principle. "Suppose a merchant has, at a great expense and risk, ascertained that Cochin China, or some unfrequented port in India, offers a profitable market for some articles in no special demand at home. Is it dishonest in him to make the most of this hardly and dearly earned knowledge before it becomes common to others? May he not purchase his opium, his ginseng or his bark, at the current rate, without first telling the seller that it would be more for his interest not to sell at the price he offers?" Here we have "expense and risk" in acquiring the information made the criterion of the right of concealment. Suppose this merchant, by accident or on the information of a friend, had obtained this useful knowledge of a profitable market, without any expense

or risk; can any body believe this should make any difference in the morality or law of the contract? If then, in the tobacco case, the knowledge of the treaty had been obtained at some expense, labour or risk, on the part of the buyer, his concealment of it would have been just and proper; and no impeachment of the contract: but we have yet to learn the quantum of expense and risk necessary to give morality and legality to such a purchase. The other examples put by the author, all tend to the same conclusion, and justify the equity as well as expediency of the common law, by which the buyer is not bound to communicate to the seller his intelligence of extraneous circumstances, which might influence the price of the commodity. The true limitation of this right of concealment of knowledge is that adopted by the English Courts, and given in p. 118, thus: "No man can honestly profit by his superior knowledge, whenever there is a confidence, expressly or impliedly reposed in him, that he will take no advantage of it; and whenever *this confidence is the efficient cause of his being able to take such advantage.*" He puts the instances of a trustee, executor, guardian and agent, gaining knowledge from their situation to make a profitable purchase or sale out of the property confided to them. This is fraud, gross fraud, which, on the just principle of the common law, vitiates whatever it touches; no right can be derived from it; no contract can arise out of it. But who can see any analogy between such a case and that in which no confidence has existed between the parties; no trust reposed beyond that of every buying and selling; in which my superior knowledge is derived from my own industry, skill and vigilance, authentic information, or, if you please, accident and good fortune, which I have not obtained by, through, or from the other party; or by any means he has put in my power, or from any trust he has confided to me; which might have come to him and not to me, or to us both; and of which, had it come to him, he would have made his advantage, by refusing to sell me the article on Sunday morning for the same price he offered it on Saturday evening. In this lottery of trade, of buying and selling, I have drawn the prize; must I abandon it to a less fortunate adventurer?

Controversies would be innumerable and endless, if we were to embarrass the daily dealings of millions of men with such philosophical refinements. They must be settled by more simple and summary rules; by plain and decided land-marks, standing on clear ground, which every man can see, and know and act upon. When the law says to the buyer and the seller, we will not suffer you to be cheated; we will guard you against

all fraud, falsehood and artifice; against every thing that could deceive a man reasonably prudent and vigilant; and beyond this you must take care of yourself; a rule is given which is easily remembered and understood. It will beget proper care and watchfulness; and the party will know, that if for want of such care an injury befalls him, he must abide by it; and he will think no more of it; unless it be to be more cautious in future. But if, instead of having this plain, short path to walk in, he is to be involved in the mazes of refined ethics and metaphysical reasoning, in order to ascertain whether he may be redressed, or not, it is difficult to say where his inquiry should begin, and much more so to conjecture when or where it will end. No man is at a loss to know whether he has been cheated or not; whether any positive fraud or trick has been put upon him; but whether his case is of that sort of dishonesty which civilians have agreed shall invalidate a contract, or falls within some of their nice distinctions and exceptions, might take his life to determine.

The buyer of the tobacco had information, on which he chose to rely, that a peace was concluded by the commissioners at Ghent. This might have been a deception or a mistake, or what is called a *hoax* in such cases, and is not unfrequent. He chose to act upon it, and he did so at his peril. If this information had been less direct and authentic; if he had but received a letter from a friend at Ghent, even one of the commissioners, assuring him that a treaty would be signed, it is not pretended he would have been bound to communicate it. And why not? Certainly it would have affected the price; not, indeed, in the degree of the more direct and authentic information, but sufficiently to prevent the sale at the price given. The receipt of such a letter was a fact "necessarily and materially affecting the common estimate which fixes the present market value of the thing sold;" which is the rule recommended to us. Every step shows the impossibility of circumscribing these doctrines "within proper limits." It seems to us to be an error to say that "by mere silence the superior information of one party is liberally rewarded at the *heavy expense* of the other." If it were so, we see no injustice in it; but in truth the only complaint is, that the purchaser has taken to himself, by his superior information and discreet silence, the *great increase of profit*, which the seller would have taken if the communication had been made to him. He has received what he considered a full price and fair profit; you are rewarded only by the greater gains to which your superior knowledge has given you a better right. An ignorance of the right of the party *in the thing sold*,



or of its fixed and general value, under the actual circumstances at the time of sale, not as affected by an unexpected, extraneous event, has often received remedy in the courts of Equity in England. Mr. Verplanck gives some signal instances of this sort, in page 51. These decisions proceed on the ground of fraud, which, as lord Hardwicke says "may be apparent from the intrinsic subject and nature of the bargain itself." The present civil code of France acts on the same principle with chancery in England. "Error is not the ground of invalidating contracts, except where it falls on the *substance itself of the thing which is the object of it*;" and by that code, mere silence does not vitiate a contract, but the fraud necessary for that purpose is "when the *manœuvres practised* by one party are such that it is evident that without them the other would not have consented." In *Laidlaw v. Organ*, the Chief Justice says "each party must take care not to say or do any thing, *tending to impose upon the other*." How can this doctrine, even more guarded than the French, be objected to? We cannot understand that a man may not use his superior intelligence to his advantage in a bargain, if he says nothing, and does nothing to deceive and mislead the other party, and has not obtained the intelligence under any confidence that he will not so use it. I am one of a company intending to build a theatre or hotel; and in this manner I know that a particular lot is selected for the building. May I not fairly go and buy lots in the neighbourhood, without communicating my knowledge to their owners? I give the price the owner thinks adequate; and which, as to any thing intrinsic in the substance of the object of the contract, is a full and adequate price; but I obtain an advantage from an accidental, "extraneous circumstance," known to me and not to him. The seller may feel disappointment and mortification, but he has suffered neither loss nor injury.

The ingenious author of the Essay, really and most laudably anxious to provide a remedy for the injustice and evils he imagines to exist, having disapproved of the common law of sales, and being almost equally dissatisfied with the civil law, from its manifest unfitness to the present state of commerce, has attempted to frame a set of regulations, which he hopes would attain the great objects of legal justice better than either. The reader who will carefully examine the proposed rules, will find they necessarily include many cases which Mr. Verplanck has expressly excluded from his system of equity; that he has hardly rounded off an axiom, before he finds it necessary to give it some vital modification; and that some of his terms are so vague, as to require explanation before they can



be applied to any practical use. So much easier is it to speculate than to legislate.

It may amuse or astonish the reader to be reminded of the excesses to which men of the highest genius and attainments will push their favourite theories. Cicero, who was, at once, an orator, lawyer, statesman, and philosopher of the first class, a man of sound, practical views, seriously pronounces, as a legal opinion, that, if a merchant arrives at a port in which there is a scarcity, with a cargo of provisions, *by his greater activity*; and he knows that other ships are on the way to the same port, he is bound to proclaim this intelligence before he sells his cargo; and, if he does not, he acts dishonestly. This is the very romance of morality; a sublimity of ethics that may be suitable and ornamental to the page of a treatise "*De Officiis*;" but is absolutely preposterous as a rule in a code of laws for the regulation of the daily business of mankind. Under such obligations and restrictions, buying and selling would be strangled. If we carry out this principle, the buyer will be as unsafe as the seller; and neither can know when they may consider their contract as closed, and secure from contingencies that may affect this moral equity—this conscientious invalidity, which comes, like something from the other world, to disturb the peace of this, and scatter confusion and contention among us. Suppose that after this philosophical proclamation of the approach of other vessels, sales are made, in consequence of it, at reduced prices, and then by some accident, or a change of destination to another market, the expected supplies do not arrive; what will our ethical, metaphysical judge do in that case? How will he reinstate the parties? The provisions have been delivered and consumed, and the price paid. Assuredly, the morality of the case requires a correction of the error. If I have been compelled by law to sell my goods at a lower price than the *market price*, which was *their value to me*, on an expectation which has failed, why should I not be restored to the situation I held before this expectation was raised? But my provisions have gone into an hundred or a thousand hands, and to be restored to my rights, I must embark in as many suits, with all their expenses and delays. How much better is it to abandon such refinements in the administration of justice; to leave buyers and sellers to make their own bargains; attend to their own interests; and to suffer each to have the benefit of his own knowledge, and of the accidents and changes which may affect the equality of the contract, on the one side or the other; provided no artifice or fraud is resorted to, to obtain it. To us it appears as unreasonable to require of the purchaser of the

tobacco to give notice that a vessel was coming with the news of peace, as to ask of the owner of the provision ship to proclaim the approaching supply.

Our author admits, I am not bound to communicate "my knowledge of my own interests, and my personal necessities; my sagacity, natural or acquired, in forming judgments of the state of the market; nor the facts and reasoning of a bargain peculiar to each individual;" all advantage resulting from such inequality, he says, "is silently conceded in the very fact of making a bargain. It is superiority on one side, and inferiority on the other, perhaps very great, but they are allowed. This must be so; the business of life could not go on were it otherwise." This is all good sense, and every body understands it; but when he attempts a distinction in his rule, between such circumstances, and, what he calls, "*common facts*," we confess he bewilders us. "Not so," he says, "with regard to *common facts*, which immediately and materially affect the price in the estimate of the generality of those who buy and sell. It is true, that strict equality of knowledge, as to these points, is just as difficult as with regard to other matters. But the contract is entered into on the supposition, that, whatever superiority of knowledge one may have over the other, *no advantage will be taken of it*. This forms the fundamental consideration of the contract." Now this assumption, which is the reason and basis of the principle adopted, we utterly deny both in fact and theory. No such supposition is in the mind of either party. The man who has the knowledge, certainly does not suppose he is to take no advantage of it, at the very moment he is doing so; and the other supposes nothing about it. I presume, by *common facts* the author means the same as is intended by the Chief Justice when he speaks of "extraneous circumstances;" something that has no reference to the particular wants of the individual, but has a general and common influence on the price of the article; a fact not depending on individual sagacity or judgment, but, in its nature, accessible to both parties, although only one of them has happened to acquire the knowledge of it. In like manner, as to the subject of a contract, it is a fact or circumstance that has not an exclusive relation to, or influence upon the particular parcel bought and sold, but on the whole market. In this sense, it would appear to us, that because the fact is common; is accessible to both the parties, therefore there is no obligation on either to communicate it. Let each be left to his own vigilance or good fortune. I go to buy a hat (as in page 150), at the current price. Is the latter bound to say to me, "Sir, to-morrow you will get this

article for half the price; a large importation has been made, which will be then thrown into the market." The principle recommended as a law of sale (page 125), would clearly embrace the provision case put by Cicero, and yet we cannot believe our author would go so far.

Why may the merchant or the chemist (p. 120) conscientiously use his knowledge, obtained by ingenuity or good fortune, while the man whose vigilance or good fortune has acquired the knowledge of a fact, equally beneficial, is to be treated as a cheat if he uses it, and the law will deprive him of the benefit; nay, what is more, transfer that benefit to another, who has no merit whatever in relation to the fact or the discovery of it? When it is once admitted that any circumstance affecting the general price of the article, and in the knowledge of but one of the parties, may be conscientiously used in making the bargain, the whole ground is laid open; no "proper limits" can be assigned. It is in vain to attempt distinctions between facts of one sort and another, provided they are honestly obtained, and used without artifice and fraud. If there is any equity in the principle, it is to be found only in the *inequality* with which the parties deal in their knowledge of a circumstance most material to the contract; but the nature of the fact known, or the means of obtaining it, with or without risk and expense, are foreign entirely to this equity. One man acquires knowledge by superior genius; another by superior care and vigilance; one discovers a chemical improvement by learning and laborious experiments; another by accident; one gets information of a treaty by diligence, another by good luck. One is informed by a distant correspondent, of something affecting the foreign market; another is told of it at the Capes or the Lazaretto, and hastens to make advantage of it. All may conscientiously alike use their peculiar knowledge, taking care in doing so "not to do or say any thing tending to impose on the other." This is fair justice and common sense; the sound morality of the transaction, as well as the obvious legal policy.

If expense and hazard; or ingenuity and labour are to be the tests of conscience and a good contract, we shall be led into difficulties innumerable and insuperable. One chemist makes a discovery by a long course of ingenious experiments, performed with labour, loss and risk; another blunders on it (a more frequent case) by mere chance. Will you have different rules of right for them? May the first lawfully "make the most" of his discovery, and the other be forbidden to do so, and be branded as a cheat if he attempts it? Again, an enterprising merchant sends



out a ship for discovery, and lights upon an island affording a good market for certain articles,—he may keep his secret and use his advantage. Another returning from a voyage, by accident runs upon a similar discovery; he must proclaim it before he purchases an article for this new market; or the law avoids his contracts and denounces him a cheat. This is sheer nonsense. We need not say that we entirely acquit the learned author of the Essay from intending to lead us to such consequences; but they show to what we would be brought by fanciful theories in legislation, which are not tried by experience. When a man sets off in a balloon, he does not know where he will come down.

Although the decision of the case of *Laidlaw v. Organ*, seems to have been the immediate stimulus to the production of the "Essay," it is but introductory to other matters of difference between the common and civil law. The *law of sale*, of personal property, is brought to an investigation, especially in relation to *price* and *quality*. The civil law, adhering to its principle, that equality is the basis of every contract, insists that this equality must exist between the thing sold and the price paid for it; and in default of it, the contract is rescinded as against morality and conscience. The impossibility of fixing, with any practical or reasonable precision, what is an equal price, which changes so often and so suddenly, has led to modifications and limitations, explanations and exceptions, of the fundamental rule, which have confused and embarrassed the subject, and demonstrate how futile and unwise it was to attempt the regulation. Mr. Verplanck is not disposed to follow the civil code in this chase after equality; but fairly gives it up with all its modifications, as entirely unsuitable to the business of society. On this subject we find that the law of England, standing by its principle of common sense and general utility, maintains its consistency through all the law of contracts, and affords a plain path, and a clear light to guide us. To avoid a contract on the ground of inadequacy of price, it must be such, or made under such circumstances, as to be *evidence of fraud*; as to warrant a discreet and impartial chancellor or jury in presuming that fraud was practised to obtain the sale. Evidence of this sort may, of course, be rebutted by other evidence, and if the presumption be negatived, the contract will be affirmed. It is needless to spend a word to prove how much better it is to let the parties to a sale settle the price themselves, than to attempt to govern it by general rules. Let it be known that if a man will make a fool's bargain, and, as our author supposes, give eight dollars a barrel for flour, when he can buy it at the next house for four, he must abide by his folly; and not expect that the precious time of the tribunals of justice will be



wasted to save him from such absurdity. The law of England protects the adult from artifice, and the minor from the possibility of imposition; and, in doing this, does all that the justice of society requires; and all that its necessities will allow.

The law of sale in relation to the *quality* of the article, is a more important and difficult subject of discussion; and here the author of the *Essay* enlists himself under the banners of the Roman law, which differs radically and essentially from the common law; and their respective merits are fairly put at issue. We purpose, in a very summary way, to examine the grounds of our author's preference. We differ throughout with him on this question; and entertain a clear opinion that for every practical purpose in the administration of justice; for the general interests and convenience of society, for whom the law is made; for the ultimate advantage of the parties to a contract; the Common law is to be preferred to the Civil. The first is plain, consistent and easily understood; the latter gives no obvious, uniform standard of decision, but labours with ethical niceties and distinctions, varying with every case, and depending at last upon the moral feeling of the judge. The common law is the child of experience, nursed by wisdom; and its education has not been intrusted to closeted philosophers and sublime theorists. To bring the merits of these codes, on this question, into a fair comparison, we will state them respectively.

By the common law, every vendor warrants his title to the thing sold. It is obvious he could not sell, that is, *transfer the property* of an article in which he had no property or title. He is, therefore, bound to make good his *right to sell*. Without it there can be no sale, and no contract of sale; and the whole bargain fails together. If the vendor, then, have such a property or title in the thing, as authorizes him to sell or transfer it to the vendee; and the vendee have the like right in the consideration he is to give for it, the parties are thus far on fair and equal ground. Here the law places them, and leaves them to their own knowledge and vigilance in making their contract, as to the price, quality, fitness, &c. of the article; requiring, however, that they shall be guilty of no trick: there must be no artifice used to deceive; no falsehood or wilful misrepresentation; no concealment of latent defects, known to the seller, and which ordinary caution and vigilance would not discover to the buyer; in one word, there must be no fraud in the transaction. But if the article was fairly exposed for examination, and the defect was apparent, it is justly presumed that the buyer either knew and disregarded it, or that he was so grossly negligent as to deserve

to suffer. So, if the defect was unknown to both parties, they were equally innocent; the buyer has no superior claim in equity, and the law, on motives of sound policy, refuses to interfere to change the position in which they have honestly and voluntarily placed themselves. If, however, the buyer does not choose to trust his own judgment of the quality of the thing; nor to take the hazard of unknown defects, and would have a security in his purchase beyond what the law affords him, he may have it, simply *by asking for it*—and this is *warranty*.

The principle of the common law is plain and practical; and especially fitted to a trading community. Make your own bargains in your own way; you shall not cheat one another, by a falsehood, an artifice, or a dishonest concealment; against all this we engage to guard you; but, for the rest, be careful and vigilant to know, by your own examination and judgment, or of others more skilful, the quality of the thing you purchase; if you distrust your own means of information and judgment, make it a part of your contract that the quality of the thing shall be such as you want and expect. We thus put your safety in your own hands as to honest mistakes, and we protect you against all dishonesty. Does any morality require more? Can any practical system of jurisprudence give more?

There is a remarkable want of accuracy in the elementary writers on this subject, which, without a close scrutiny, and a recurrence to adjudged cases, might mislead the student. Even the excellent Blackstone has written carelessly on the point. In his 2d vol. page 451, he says: "With regard to the goodness of the wares, the vendor is not bound to answer, unless he expressly warrants them to be sound and good; or unless he knew them to be otherwise *and* hath used any art to disguise them; or unless they turn out to be *different* from what he represented them to the buyer." We have in this passage two errors, or, at least, two obscurities calculated to produce a material misunderstanding of the law. "Unless he knew them to be otherwise *and* hath used any art to disguise them." No distinction is taken between latent and apparent defects; and it would seem as if, in all cases, both knowledge of the defect, and artifice to disguise it, were necessary to avoid the sale; whereas in the case of a latent defect, known to the seller and concealed, the contract is void, although no artifice be used to hide it; and artifice, with or without a knowledge of the fault, will rescind the sale. Again—"or unless they turn out to be *different* from what he represented them." This is not the law in the broad manner it is set down. First, the distinction should be taken

between an *innocent* and a *wilful* misrepresentation, so often occurring in the case. In the use of the word *different*, Blackstone cannot mean in *quality*, as the full meaning of the term would import, but that the *thing itself*, the subject of the contract, is not the thing intended to be sold. A sale is made of a thousand bushels of wheat, and it turns out to be rye that the seller has to deliver; it was a mutual mistake; but the thing to be delivered in performance of the contract, proves not to be the thing that was the subject of the contract, and, of course, not the thing contracted for, and there is an end of it; no such contract was made, or should be enforced, upon the party. In the case of "*Seixas v. Wood*," 2 Caines 48, the sale was of a valuable wood called "*Brazilletto*," and the article delivered was *peachum* wood of little value; there being neither express warranty nor fraud, the sale was held to be good. We confess this case stretches the doctrine to the utmost; and, it may be, beyond the warrant of the principle. Still the court considered the difference to be in the *quality* of the wood, not in the *thing* which was the subject of the contract. Judge Thompson says the wood sold was *Brazilletto*, but in fact the wood was of a *different quality*, of little or no value. That the plaintiff's agent who examined it, did not discover it was of a *different quality* from that described in the bill of parcels; nor did the defendant know it was not *Brazilletto* wood. We should have been more inclined to say, the difference was not in the quality merely, but in the contract itself. Both, it is true, were wood; and so is oak or pine, which could hardly be delivered in performance of a contract for mahogany.

With great and sincere deference for the most respectable court, we are far from being satisfied that this case is sustained by the antecedent English decisions, although judge Kent pronounces it, at once, to be "a clear case for the defendant,"—and we venture to suggest that this learned jurist was too hasty in considering it to be settled by the principle, which is the uniform language of the English law. "If upon a sale there be neither *warranty* nor *deceit*, the purchaser purchases at his peril." Still it is to be inquired, in every case, what is warranty, and what deceit. Express words are not necessary for the former. The defendant had *advertised* the wood as *Brazilletto*. The invoice shown to the plaintiff called it so; it was so stated to be in the bill of parcels; also, this is very like an implied warranty. But, independent of the warranty, is it so clear that the article delivered was not different, not merely in "*fineness or quality*," but in *kind*, in *identity*? Was it the



thing sold? We cannot doubt that the law is not now so understood in Westminster Hall.

*Seixas v. Wood* was decided in New-York in 1804. Since that time many decisions have been made in England on this subject. We shall advert but to two of them. In 3d *Campb. Rep.* 462, we have a case tried in 1813. It was a sale of sassafras, described in the sale note as "two tons of fair merchantable sassafras wood, in logs at six guineas per hundred weight." The wood delivered was of the tree, not of the roots, as understood by the trade; not above one-sixth of the value of the roots. The purchaser was a druggist, skilled in the article, and fully examined it. Lord Ellenborough—"This is not a sale by sample. It is not enough for the plaintiff to prove the wood corresponds in quality with the sample exhibited to defendant. The question is, whether it was 'fair, merchantable, sassafras wood,' which it is clearly proved not to have been. It is immaterial the defendant was a druggist, and skilled in the nature of medicinal wood. He was not bound to exercise his skill; having an express undertaking from the vendor, as to the quality of the commodity." We think, the description in the sale note was no more an undertaking, or implied warranty of the quality of the wood, than the advertisement, invoice, and bill of parcels of the *Brazilletto*. It was but a description of the article, without words of warranty, in both cases. In 1815, Lord Ellenborough decided the case of *Gardiner v. Gray*, 4 *Campb.* 144, and says—"When the contract describes the goods as of a certain *kind and denomination*, although the vendor is not entitled, without an express warranty, to insist that they shall be of any particular *quality or fineness*, yet he is entitled to expect a *saleable article answering the description in the contract*; and there is an implied *warranty to this effect*." We presume, all the representations made by the seller to the buyer, to induce him to purchase, whether by advertisement, invoice, bill of parcels, or verbally, form a part of the contract,—on the faith of them he buys. The case of *Ricketts, Evans, & Co. v. Hare*, was tried before Judge Duncan, at the Philadelphia Nisi Prius, in January, 1826. A glass manufacturer in England was ordered, by letter, to "send porter bottles of the best quality usually sent from Bristol." It was held, that this description of the quality of the bottles to be sent, was part of the contract. It was a contract to deliver goods of a *described quality*—and attached not only to the first parcel shipped, but to all the subsequent dealing between the parties.

We trust, the common law doctrine on this important subject is sufficiently explained. The buyer may secure himself as to its



quality, by the terms of his contract, or by an express warranty; and the law secures him against fraud, whatever shape it may assume. More than this would not be expected of an individual having the care of another; and more ought not to be required of the law, which is but the guardianship of the whole over every part.

A brief view of the provisions of the civil law on this subject will close this article, already, perhaps, too much protracted. As to the enthusiastic encomium of the French chancellor D'Aguesseau, and the "German Leibnitz" (page 60), on the Roman jurists and the law of Rome, we must take leave to give but little credit to it, in the account between that code and the common law of England, with which, I presume, neither the "wise and virtuous chancellor," nor the "mathematical, metaphysical, and classical" German had much acquaintance. Nor can we think the eulogy of our author any recommendation of it as a system for use. "The Roman law," says he, "rarely permitted its expounders and legislators to rest their decisions upon naked precedent and authority." Could there be a more unsafe principle in any system of laws? Can any man know, under such a principle, what the law is from day to day? If the decision upon a transaction between A and B, pronounced by the appointed tribunal, is not to be the rule, the precedent, the authority for the same decision between C and D, in a transaction precisely the same, who can know by what rule he is to govern himself in his business and contracts? To refer him, as our author does, to the "universal principles of natural law; to the common sentiments, sympathies, and feelings of mankind," is downright mockery. Where is he to find these universal principles; how is he to seize upon these common sentiments, sympathies, and feelings? In the breast of his judge, who, with so wide a charter, may indulge himself in his wildest imaginations, and call them "universal principles;" in his caprices and eccentricities, and call them "common sentiments;" in his private partialities and biasses, and call them "sympathies and feelings." This is precisely the administration of justice by a Turkish basha, who, when he gives the bastinado to some miserable victim of his displeasure, or strips him of his property, may discourse most eloquently to prove it to be according to the "universal principles of natural law," as expounded and understood by him, *pro hac vice*. The condition of the suitor is no better under the Roman law, which, as our author assures us, in "its most solemn and authoritative provisions of distributive justice, appeals one while to natural reason; now to humanity and charity;

and, on the subject of good faith and equality in contracts, its constant language is that of conscience and benevolence." Very fine; but "*ita lex scripta est*," is worth a volume of rhapsody, however well expressed.

The Roman law, so far as it regards our subject, is given, in a concise manner, by *Brown*, in his "Law of Sales." "In the Roman law, the vendor was held to be bound, by the nature of the contract, and without any stipulation, not only to warrant the thing sold, to be free from such defects as render it unfit for the use for which it was intended, but also, if the defect was of a slighter kind, *so as merely to affect the value of the subject*, to repay so much of the price as exceeds what the *vendee would have given for it*, if he had known the defect." Our objections to this doctrine, for the government of human affairs, may be collected, without repetition, from our preceding pages. It affords no intelligible rule of conduct for the horse-dealer; the flour-dealer; the ship-dealer, or any other dealer. Scarcely a contract, in a day, could stand before it, from the purchase of a pound of butter in the market, to that of a ship or her cargo. Every sale would bring forth a suit; and nothing would thrive but litigation. My butter has not the flavour I expected; an alderman must rectify it. My ship does not sail fast enough; the cargo has some slight defect. I buy a horse to pace, and I find he trots. These cases, and a thousand like them, are profound cases of conscience for the civilian; the tribunals of justice must be tormented, to ascertain what the *vendee would have given for the article*, had he known the defect; the time of the parties and their witnesses sacrificed in a tedious attendance upon the court; their money wasted, and a full swing given to all the bad passions which such controversies put in motion; and all this is done for the sake of morality and conscience. Let every law-maker for ever remember, that litigation is the great evil of society; the disturber of its peace; the ruin of the rich and poor. It sows the seeds of the most bitter and lasting animosities; it withdraws men from the occupations by which they live; it engenders idleness and all the vices of her train. The man who has been lounging, for a year or two, about a court awaiting the trial of, perhaps, some petty action, in which his resentments are more concerned than his interest, not only loses his time and labour, so precious to him, but contracts habits which may lay the foundation of his ruin. We do not hesitate to pronounce that the law, which, *without frequent and violent injustice keeps down litigation, and produces the fewest suits*, is the best law of contracts, in every view which a wise legislator should take of the subject. And

such is the common law. The limits of *warranty* or *fraud*, exclude a multitude of complaints and conflicts.

It was our intention to follow our author through his reasonings in favour of the Roman jurisprudence, to show that, however specious they may be in their relation to the cases put to illustrate them; however captivating to the eye that looks not to the general business of life, they are altogether fallacious when applied to the multifarious concerns of that business, as extended and varied in modern times. The numerous modifications which have been found necessary in those countries which have adopted the Roman code, bear testimony to the truth of this view. The author is as sensible as any body of this unfitness, and has endeavoured to remove the difficulties, by proposing a new set of regulations better adapted, as he thinks, to the present state of the world. Time and space do not allow us to examine the offered substitutes; but we are satisfied we could readily demonstrate to any jurist practically acquainted with the operation of laws, that they will not do. He has attempted to keep a middle path between the strictness of the common law, and the "extravagant doctrines of the civilians;" but we believe his propositions would involve us in the dangerous uncertainty growing out of doubtful rules, immediately requiring perplexing explanations and indispensable exceptions. No party could foresee the result of his agreement; nor what the morality of the judge might make of it. Such, we think, would be the effect of the "few rules" proposed as "the fair expression of those particular limitations, as to concealment, and reservation, which common sense and common honesty prescribe." The refined ethics of the civilian may be delightful to the philosopher—who, in his closet, makes himself happy with reveries of the perfectibility of our nature and condition; but if he will go into the warehouse, or on the exchange, he will find that some more plain and practical doctrines are required for the actual business of mankind.

For many years past, particularly during the judicial administration of lord Mansfield, the civil law has been struggling to get a footing in the English courts; and its advance has been sternly and resolutely resisted by the friends of the common law. Some success has, nevertheless, attended the attempt; and, in many instances, with signal advantage to the administration of justice. Some dogmas of the common law, created in the early stages of society, and indurated by ages, have been softened and moulded into a better shape by the hand of the civilian. The law relating to commercial transactions has been improved; and some changes, in other departments, have been



cautiously and judiciously admitted. It is, however, a perilous task, and should be undertaken only by the hand of a master. Innovations upon principles, long established, as the arbiters of right in a community, should be watched with scrupulous jealousy. It is an exercise of power very flattering and seductive to a weak mind; none but the strongest should presume to touch it. Nothing is more pernicious than the sacrifice of a principle to the equity of a particular case. A judge with an honest heart and a weak head will be apt to indulge in such experiments unless he be restrained by an inflexible arm. We mean not to be intolerant on this subject; many of the principles of the Roman code are admirable as well for their general wisdom as their particular justice; and may be incorporated with fitness and utility with our system. But this must be done by judges of deep learning and much experience; with extensive views and firm heads. A reformer is, almost *vi termini*, an enthusiast, and seldom proceeds in his work with moderation and foresight. It is not enough that the proposed change is good in itself. We must inquire how it will affect the harmony of the system, and fit in with the adjacent parts. Should a friend propose an alteration in my house, I would examine how it will agree with the rest of the building. I will not block up a necessary stairway for an improvement in my hall; or destroy a whole suite of useful apartments to make a pretty boudoir. On the other hand, we must not imagine that perfection belongs to the common law, and obstinately refuse to listen to any voice that invites to a change. The Roman code was framed by learned and wise men, and has received the applause of many ages. "The decisions of the old Roman lawyers," says Sir W. Jones, "collected and arranged in the sixth century, by the order of Justinian, have been for ages, and, in some degree, still are, in bad odour among Englishmen. This is an honest prejudice, and flows from a laudable source; but a prejudice it most certainly is, and, like all others, may be carried to a culpable excess."

In these United States, we have a fair opportunity of acting wisely and liberally on this subject. We have not the fixed prejudices of the English; but are nevertheless deeply and justly impressed with a reverence for the wisdom of the common law; with its practical fitness for the business of men, and its broad and general policy and justice; making the peace and prosperity of the whole community its first object, and taking care of individual interests and rights as far as that object will admit. We confess our regret that the author of the "Essay" was, from any consideration, induced "to hurry it through the press, with as little delay as possible;" and, with him, we are obliged



to say, we are not "fully satisfied with the manner in which he has treated the subject." He has collected his materials with much intelligence, industry and impartiality; but he has not used them with the precision and arrangement necessary either to do himself justice, or to enable his reader to follow him clearly through his argument. We do not understand, distinctly, the extent of his objections to the provisions of the common law; nor how much, or under what modifications, of the civil code, he is disposed to adopt. The matter of his essay is full of interest, not only in its relations to legislative or judicial regulations, but in its moral aspect; and his opinions ought not to have been presented to the public, but in their full maturity. The subject is worthy of the attention of the author a second time.—We doubt not he would make it a valuable addition to legal and ethical learning. Those who may not adopt his conclusions, will, at least, owe him their thanks for a full, candid and forcible presentation of the question and its argument.

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ART. VI.—*Secret Journals of the Acts and Proceedings of Congress, from the first Meeting thereof, to the Dissolution of the Confederation, by the Adoption of the Constitution of the United States.* 4 vols. Wells & Lilly, Boston.

As congress, under the confederation, was invested with executive, as well as legislative power, it became necessary that two sets of journals of its proceedings should be kept; one public, the other secret. The latter, comprised in four volumes, and principally relating to American transactions with foreign powers during the period of the Revolution, and down to the time of the adoption of the constitution, have lately been submitted to the world, in pursuance of the resolutions of the general government in 1818 and 1820. It has rarely, if ever before occurred, that the journals of the executive proceedings of any nation, especially with foreign powers, have been given to the public *in extenso*. In this respect, the United States have pursued a more open and liberal course, and have departed from those cautious and selfish maxims of policy, by which the monarchies of Europe have been generally governed.

These journals will be found interesting, not merely as tending to elucidate a portion of American history not generally known, but also as showing that the American patriots, in the

trying period to which they relate, had great difficulties to encounter, in the cabinet as well as in the field; and we cannot but think, so far as our observation has extended, that the contents of these volumes have not received that attention from the American public which they deserve.

They are not confined to the dry and uninteresting account of the daily routine of business, as in ordinary cases, but contain many interesting and important facts, as well as many valuable state papers, relating to the American Revolution, never before promulged. There will be found, in detail, the instructions given to the commander-in-chief of the American army, at his first appointment in June, 1775; the confidential addresses to the states, by congress; plans of treaties to be proposed to France, Spain, and other European powers; the secret instructions given to American envoys abroad; various confidential communications made to congress by foreign nations, and particularly by the king of France, or his ministry; the nature and extent of the claims of the king of Spain to the western country, and the exclusive navigation of the Mississippi; the secret articles annexed to some of the treaties made with foreign powers; the attempts made by Great Britain to break the alliance between France and the United States, by secretly proposing to each separate terms of peace; with many other transactions, equally curious and interesting. Some of the most important of these, it is our intention to notice; particularly such as tend to elucidate the history of the Revolution.

The instructions to General Washington, when first appointed commander of all the forces of the united colonies, raised or to be raised, are contained in the first volume, pages 17, 18. After some directions relative to recruiting the army, and some other things of minor importance, congress say—

“You shall take every method in your power, consistent with prudence, to destroy or make prisoners of all persons, who now are, or who hereafter shall appear in arms against the good people of the united colonies.”

“And whereas all particulars cannot be foreseen, nor positive instructions for such emergencies so beforehand given, but that many things must be left to your prudent and discreet management, as occurrences may arise upon the place, or from time to time befall—you are, therefore, upon all such accidents, or any occasions that may happen, to use your best circumspection; and, advising with your council of war, to order and dispose of the same army under your command, as may be most advantageous for obtaining the end for which these forces have been raised, making it your special care, in discharge of the great trust com-

mitted unto you, that the liberties of America receive no detriment."

The difficulties and embarrassments of congress, arising from a want of commercial resources, from the depreciation of paper money, and from a failure of the states to comply with the requisitions made upon them, are strongly depicted in the confidential addresses of congress to the states. In April, 1780, after earnestly calling upon them for the immediate payment of their quotas of taxes, congress enforce the call, by the following appeal:—

"If any state should be unprepared, if the collections are incomplete, not a moment is to be lost. Delay will be disappointment, and may involve consequences too interesting, too fatal to be hazarded. Should the public operations, through languor and inattention, be retarded and stopped; should those exertions, which have hitherto rendered this contest conspicuous to the world, be intermitted, the fairest prospects, and the most promising occasion, may be irretrievably lost. The crisis calls for exertion. Much is to be done in a little time; and every motive that can stimulate the mind of man, presents itself to view.

No period has occurred in this long and glorious struggle, in which indecision would be so destructive; and, on the other hand, no conjuncture has been more favourable to great and decisive efforts."

The financial embarrassments afterwards increased to such a degree, that the superintendent of finance was obliged to draw bills beyond the known funds in Europe, to meet the payment, and congress were under the necessity of giving their sanction to the measure.

The acts and proceedings of congress, in relation to foreign powers, contained in the three last volumes, will be deemed particularly interesting.

One of its first acts, appearing in this part of the journals, is the appointment of a committee for the purpose of secretly corresponding with the friends of America "in Great Britain, Ireland, and other parts of the world." This appointment took place in November, 1775. The principal object of the committee was to sound the French and Spanish courts on the subject of assistance, in arms and ammunition, and an eventual alliance.

It was known, that France had not been an idle spectator of the contest between Great Britain and the colonies, from its commencement. As early as 1767, the French minister at the court of London, was particularly attentive to Dr. Franklin, paid him many visits, and made many inquiries concerning

American affairs. Alluding to these circumstances, Dr. Franklin, in a letter to his son, says, "I fancy that intriguing nation would like very well to meddle, on this occasion, and blow the coals between Great Britain and her colonies, but I hope we shall give her no opportunity."

As the contest grew more serious, the views and policy of the French court became more clearly developed. This was evinced in a memorial presented to the king by Vergennes, in the spring of 1776, on American affairs, and the reflections of the celebrated Turgot on this memorial. Hostilities on the part of France were to be avoided, but assistance in arms, ammunition, and even money, was to be afforded the colonists, yet in the most secret manner, and without compromising her neutrality. Among the measures to be pursued by the king of France, as stated by M. Turgot, one was, "to facilitate to the colonists the means of procuring, in the way of commerce, the articles, and even the money, which they need, but without departing from neutrality, and without giving them direct succours." "An offensive war," says M. Turgot, "would reconcile the mother country to her colonies, by giving to the minister a pretext for yielding, and to the colonies a motive for acceding to his propositions, in order to obtain time to consolidate themselves, to ripen their projects, and to multiply their means."

To carry into effect the plan of assisting the Americans, Vergennes, in the spring of 1776, sent a secret agent, by the name of Beaumarchais, to Arthur Lee, then at Paris, acting as the agent of the secret committee of congress, to inform him of the views and determination of the French court on this subject. This information Mr. Lee communicated to the secret committee, in a verbal message, by a Mr. Storey. This message was delivered to Dr. Franklin and Robert Morris, two of the committee, on the first of October, 1776.

The committee deemed it necessary at that time, to conceal this important information, even from congress. The minutes or journal of this transaction, kept by the committee, show the reasons of this concealment, and throw not a little light on an event, which, for a long time afterwards, was enveloped in mystery. These minutes, although not appearing in the volumes before us, may justly be considered as necessarily connected with the secret journal, and, we trust, will gratify our readers.

"Mr. Thomas Storey," say the committee, "(who had been sent by the committee of secret correspondence, December 13th, 1775, to France, Holland, and England), reported verbally as



follows: 'On my leaving London, Arthur Lee, Esq. requested me to inform the committee of correspondence, that he had several conferences with the French ambassador, who had communicated the same to the French court; that in consequence thereof, the duke de Vergennes had sent a gentleman to Arthur Lee, who informed him, that the French court could not think of entering into a war with England; but that they would assist America, by sending from Holland this fall, two hundred thousand pounds sterling worth of arms and ammunition to St. Eustatius, Martinique, or Cape François; that application was to be made to the governors or commandants of those places; by inquiring for *Monsieur Hortalis*, and that, on persons properly authorized applying, the above articles would be delivered to them.'

Philadelphia, October 1st, 1776—The above intelligence was communicated to the subscribers, being the only two members of the committee of secret correspondence, now in this city; and on our considering the nature and importance of it, we agree in opinion, that it is our indispensable duty to keep it a secret, even from Congress, for the following reasons:

First. Should it get to the ears of our enemies at New-York, they would undoubtedly take measures to intercept the supplies, and thereby deprive us, not only of these succours, but of others expected by the same route.

Second. As the court of France have taken measures to negotiate this loan and succour in the most cautious and most secret manner, should we divulge it immediately, we may not only lose the present benefit, but, also, render that court cautious of any further connexion with such unguarded people, and prevent their granting other loans and assistance that we stand in need of, and have directed Mr. Deane to ask of them; for it appears, from all our intelligence, they are not disposed to enter into an immediate war with Great Britain, though disposed to support us in our contest with them; we, therefore, think it our duty to cultivate their favourable disposition towards us, draw from them all the support we can; and, in the end, their private aid must assist us to establish peace, or inevitably draw them in as parties to the war.

Third. We find, by fatal experience, the congress consists of too many members to keep secrets, as none could be more strongly enjoined than the present embassy to France, notwithstanding which, Mr. Morris was this day asked by Mr. Reese Meredith, whether Dr. Franklin and others were really going ambassadors to France; which plainly proves, that this committee ought to keep this secret, if secrecy is required.

Fourth. We are of opinion, that it is unnecessary to inform congress of this intelligence at present, because Mr. Morris belongs to all the committees that can properly be employed in re-

ceiving and importing the expected supplies from Martinique, and will influence the necessary measures for that purpose; indeed, we have already authorized William Bingham, Esq. to apply at Martinique and St. Eustatius for what comes there, and remit part by the armed sloop Independence, captain Young, promising to send others for the rest.

Mr. Morris will apply to the marine committee to send other armed vessels after her, and, also, to Cape François, (without communicating this advice), in consequence of private intelligence lately received, that arms, ammunition, and clothing can now be procured at those places.

But should any unexampled misfortune befall the states of America, so as to depress the spirits of congress, it is our opinion, that, on any event of that kind, Mr. Morris (if Dr. Franklin should be absent), should communicate this important matter to congress, otherwise keep it until part or the whole supplies arrive, unless other events happen, to render the communication of it more proper than it appears to be at present."

This was signed by Doctor Franklin and Mr. Morris, and soon after approved by Richard H. Lee, and Mr. Hooper, two other members of the committee. Previous to the Declaration of Independence, the intercourse with foreign nations was principally confined to this committee.

In March 1776, they sent Silas Deane to France, to obtain a supply of arms, ammunition and clothing, &c.; also, to sound the French court, on the subject of an eventual alliance with the Americans. As soon, however, as the resolution for dissolving the connexion of the colonies with the parent country, passed; congress took the subject of foreign affairs into their own hands. On the 11th of June 1776, a committee was appointed to prepare treaties with foreign powers. In September following, commissioners were appointed to propose to the court of France, the plan of a commercial treaty to which congress had agreed. In the instructions to these commissioners, congress say "it is highly probable, that France means not to let the United States sink in the present contest. But, as the difficulty of obtaining true accounts of our condition, may cause an opinion to be entertained, that we are able to support the war on our own strength, longer than in fact we can do; it will be proper for you to press the immediate and explicit declaration of France, in our favour, upon a suggestion, that a re-union with Great Britain may be the consequence of a delay."

The fears and jealousy of Spain, relative to her extensive American possessions, were anticipated by congress; and the same commissioners were also instructed on this subject as

follows:—"Should Spain be disinclined to our cause, from an apprehension of damage to her dominions in South America, you are empowered to give the strongest assurances, that that crown will receive no molestation from the United States, in the possession of these territories." Vol. ii. pp. 29, 30.

The commissioners were also instructed to procure a large quantity of arms and ammunition, and eight line of battle ships, by purchase or on loan, from the French court. France still pursued her own system of policy. She declined furnishing the ships, or openly espousing the cause of the Americans. She, however, continued her secret aid, and presented the commissioners with three millions of livres.

In consequence of the disasters of the campaign of 1776, congress, at the close of this year, took measures to obtain more effectual foreign aid. For this purpose, they resolved to send commissioners to Vienna, Spain, Prussia, and to the duke of Tuscany. The American envoys were instructed to assure the courts to which they were sent, "that notwithstanding the artful and insidious endeavours of the court of Great Britain, to represent the congress and the inhabitants of these states, to the European powers, as having a disposition again to submit to the sovereignty of the crown of Great Britain, it is their determination, at all events, to maintain their independence."

To induce France to join in the war, the envoys were directed, not only to stipulate with the court of France, that all the trade between the United States and the West India islands, should be carried on by vessels belonging either to the subjects of his Most Christian Majesty, or of the states, each to have free liberty to carry on such trade; but, also, "to assure his Most Christian Majesty, that should his forces be employed, in conjunction with those of the United States, to exclude his Britannic Majesty from any share in the cod fishery of America, by reducing the islands of Newfoundland and Cape Breton; and ships of war be furnished, when required by the United States, to reduce Nova Scotia; the fishery should be enjoyed equally and in common by the subjects of his Most Christian Majesty and of these states, to the exclusion of all other nations and people whatever; and half of the island of Newfoundland shall be owned by, and subject to the jurisdiction of his Most Christian Majesty; provided, that the province of Nova Scotia, island of Cape Breton, and the remaining parts of Newfoundland, be annexed to the territory of the United States."

Lest these offers should not prevail, the following instructions were added:



"Should the proposals already made, be insufficient to produce the proposed declaration of war, and the commissioners are convinced that it cannot be otherwise accomplished, they assure his Most Christian Majesty, that such of the British West India islands, as, in the course of the war, shall be reduced by the united force of France and the United States, shall be yielded in absolute property to his Most Christian Majesty; and the United States engage, on timely notice, to furnish at their expense, and deliver at some convenient port or ports, in the said United States, provisions for carrying on expeditions against the said islands, to the amount of two millions of dollars, and six frigates mounting not less than twenty-four guns each, manned and fitted for sea; and to render any other assistance, which may be in their power, as becomes good allies." Vol. ii. pp. 38, 39, 40.

These new and advantageous offers, however, could not induce France to depart from her neutral position. The capture of general Burgoyne and his army in October 1777, produced a change of affairs in England and France.

Convinced that the British ministry were about to offer terms of reconciliation, which might be accepted by the Americans, the French court, in December, agreed to form treaties of commerce and alliance with them. These treaties were completed on the 6th of February 1778; and were soon followed by a minister plenipotentiary to the United States. The ceremonial of the reception of this minister, is found in the journals, and will afford some amusement at least, to our readers. It was deemed important that no point of etiquette should be omitted, in the first audience given to a minister from one of the most powerful, as well as most polite courts in Europe.

"At the time he is to receive his audience, two members shall wait upon him in a coach belonging to the States; and the person first named of the two, shall return with the minister plenipotentiary or envoy, in the coach, giving the minister the right hand, and placing himself on his left, with the other member on the front seat.

When the minister plenipotentiary or envoy, is arrived at the door of the congress hall, he shall be introduced to his chair by the two members, who shall stand at his left hand. Then the member first named, shall present and announce him to the president and the house; whereupon he shall bow to the president and the congress, and they to him. He and the president shall then again bow unto each other, and be seated; after which the house shall sit down.

Having spoken and been answered, the minister and president shall bow to each other, at which time the house shall bow, and then he shall be conducted home, in the manner he was brought to the house."



To the treaty of alliance was annexed a *separate and secret article*, granting to the king of Spain the right of acceding to both treaties, at such time as he should think proper. To obtain the assent of his Catholic Majesty to these treaties, Mr. Jay was sent minister plenipotentiary to Spain, in 1779. He was instructed to assure his Catholic Majesty, that if he should "accede to the said treaties, and in concurrence with France and the United States of America, continue the present war with Great Britain for the purpose expressed in the treaties, he shall not be precluded from securing to himself the Floridas: on the contrary, if he shall obtain the Floridas from Great Britain, these United States will guaranty the same to his Catholic Majesty. Provided always, that the United States shall enjoy the free navigation of the Mississippi, into and from the sea."

Mr. Jay was also particularly instructed, not only to obtain money by way of loan or subsidy, but to secure some convenient port below the thirty-first degree of north latitude, on the river Mississippi, for the use of the inhabitants of the United States.

Spain refused to accede to these treaties; to furnish money or to form any connexion with the United States; but on the condition of their relinquishing all right or claim to the navigation of the Mississippi, and to all the country west of the Apalachian mountains.

The views and claims of his Catholic Majesty on this subject, were confidentially communicated to congress, by the French minister, de la Luzerne, in January 1780, a short time after Mr. Jay had sailed for Spain. Our readers will pardon us, for extracting this extraordinary communication, from these journals.

Monsieur de la Luzerne stated to congress,

"That his Most Christian Majesty being uninformed of the appointment of a minister plenipotentiary to treat of an alliance between the United States and his Catholic Majesty, has signified to his minister plenipotentiary to the United States, that he wishes most earnestly for such an alliance; and *in order to make the way more easy*, has commanded him to communicate to the congress, certain articles which his Catholic Majesty deems of great importance to the interest of his crown, and on which it is highly necessary, that the United States explain themselves *with precision*, and with such *moderation*, as may consist with their essential rights.

That the articles are:

First. A precise and invariable boundary to the United States.

Second. The exclusive navigation of the Mississippi.

Third. The possession of the Floridas, and

Fourth. The lands on the left, or western side of the Mississippi.

That on the first article, it is the idea of the cabinet of Madrid, that the United States extend to the westward, no farther than settlements were permitted by the royal proclamation, bearing date the                      day of                      1763.

On the second, that the United States do not consider themselves as having any right to navigate the river Mississippi, no territory belonging to them being situated thereon.

On the third, that it is probable the king of Spain will conquer the Floridas, during the course of the present war; and in such event, every cause of dispute relative thereto, between Spain and these United States, ought to be removed.

On the fourth, that the lands lying on the east side of the Mississippi, whereon the settlements were prohibited by the aforesaid proclamation, are possessions of the crown of Great Britain, and proper objects against which the arms of Spain may be employed, for the purpose of making a *permanent conquest*, for the Spanish crown.

That such conquest may, probably, be made during the present war. That, therefore, it would be advisable to restrain the Southern states from making any *settlements* or *conquests*, in these territories. That the council of Madrid considered the United States as having no claims to those territories, either as not having had possession of them before the present war, or not having any foundation for a claim in the right of the sovereignty of Great Britain, whose dominion they have abjured.

That his Most Christian Majesty, united to the Catholic King by blood and by the strictest alliance, and united with those states in treaties of alliance, and feeling towards them dispositions of the most perfect friendship, is exceedingly desirous of *conciliating* between his Catholic Majesty and these United States, the most happy and lasting friendship.

That the United States may repose the utmost confidence in his good will to their interests, and in the justice and liberality of his Catholic Majesty; and that he cannot deem the revolution, which has set up the independence of these United States, as past all danger of unfavourable events, until his Catholic Majesty and the United States, shall be established on those terms of confidence and amity, which are the objects of his Most Christian Majesty's very earnest wishes." 2 vol. pages 309, 310, 311.

This communication excited no little surprise in Congress. It was evident, that the king of Spain, as the price of his alliance, required a relinquishment on the part of the United States, of their right or claim to the navigation of the Missis-

issippi, and to all the country west of the mountains; alleging, that this valuable and extensive country belonged to Great Britain, and therefore, was an object of *permanent conquest* by his arms. How can it be doubted, that this claim on the part of Spain, was indirectly encouraged and supported by the French court? The house of Bourbon were determined, if possible, to regain in America, during the present war, what they had lost in the preceding. The subject was interesting to these states, who claimed the western country by virtue of their original charter; and particularly to Virginia, under whose authority settlements had commenced west of the mountains.

The states, although extremely desirous of the alliance of Spain, were unwilling to obtain it at the sacrifice required.

The language addressed to Mr. Jay, in Spain, was the same as that held to congress, through the French minister; and in October 1780, congress unanimously enjoined it upon their minister at the Spanish court, to adhere to his former instructions, respecting the right of the United States to the navigation of the Mississippi, with and from the sea; a right, they say, "which, if an express acknowledgment of it cannot be obtained, is not by any stipulation on the part of America, to be relinquished;" and he was directed to insist on the Mississippi as their western boundary.

These instructions were enforced by congress, in a letter to their ministers at Paris and Madrid, explaining the reasons and principles on which their rights and claims were founded; "to enable them" as they say "to satisfy the French and Spanish courts of the justice and equity of the intentions of congress."

This able state paper is in the 2d vol., from page 326 to 339. It was drawn by a committee, consisting of Mr. Madison, Mr. Sullivan and Mr. Duane, and will be read with peculiar interest. The following extract from it, shows the origin and nature of this claim of the states.

"With respect to the first of these articles, by which the river Mississippi is fixed as the boundary, between the Spanish settlements and the United States, it is unnecessary to take notice of any pretensions founded on a priority of discovery, of occupancy, or on conquest. It is sufficient, that by the definitive treaty of Paris, of 1763, (article seventh,) all the territory now claimed by the United States, was expressly and irrevocably ceded to the king of Great Britain; and that the United States are, in consequence of the revolution in their government, entitled to the benefits of that cession. To prove the last, it must be observed, that it is a fundamental principle in all lawful governments, and

particularly in the constitution of the British empire, that all the rights of sovereignty are intended for the benefit of those, from whom they are derived, and over whom they are exercised.

It is known, also, to have been held for an inviolable principle by the United States, while they remained a part of the British empire, that the sovereignty of the king of England, with all the rights and powers included in it, did not extend to them, in virtue of his being acknowledged and obeyed as king by the people of England, or of any other part of the empire; but in virtue of his being acknowledged and obeyed as king of the people of America themselves; and that this principle was the basis, first of their opposition to, and finally of their abolition of his authority over them. From these principles it results, that all the territory lying within the limits of the states, as fixed by the sovereign himself, was held by him for their particular benefit, and must, equally with his other rights and claims in quality of their sovereign, be considered as having devolved on them, in consequence of their resumption of the sovereignty to themselves.

In support of this position, it may further be observed, that all territorial rights of the king of Great Britain, within the limits of the United States, accrued to him from the enterprises, the risks, the sacrifices, the expense in blood and treasure of the present inhabitants and their progenitors. If, in latter times, expenses and exertions have been borne by any other part of the empire, in their immediate defence, it need only be recollected, that the ultimate object of them was the general security and advantage of the empire; that a proportional share was borne by the states themselves; and that, if this had not been the case, the benefits from an exclusive enjoyment of their trade have been an abundant compensation. Equity and justice, therefore, perfectly coincide, in the present instance, with political and constitutional principles.

As to the proclamation of the king of Great Britain of 1763, forbidding his governors in North-Carolina, to grant lands westward of the sources of the rivers falling into the Atlantic ocean, it can, by no rule of construction, militate against the claims of the United States. That proclamation was intended merely to prevent disputes with the Indians, and an irregular appropriation of vacant lands to individuals; and by no means either to renounce any parts of the cessions made in the treaty of Paris, or to affect the boundaries established by ancient charters.

On the contrary, it is expressly declared, that the lands and territory prohibited to be granted, were within the sovereignty and dominion of that crown, notwithstanding the reservation to the use of the Indians."

In consequence of the success of the British army in the southern states in the year 1780, congress, at the request of the



state of Virginia, in February, 1781, directed Mr. Jay "to recede from his former instructions, so far as they insist on the free navigation of that part of the river Mississippi, which lies below the thirty-first degree of north latitude, and on a free port or ports below the same; provided such cession shall be unalterably insisted on by Spain; and provided the free navigation of the said river, above the said degree of north latitude, shall be acknowledged and guarantied by his Catholic Majesty to the citizens of the United States, in concurrence with his own subjects."

This was done, as the letter of instructions says, "in order to unite the more closely, in their measures and operations, three powers, who have so great a unity of interests, and thereby to compel the common enemy to a speedy, just, and honourable peace." Mr. Jay made a proposition to the Spanish court, agreeably to those instructions, but the same was rejected; and when he left Madrid for Paris, in June, 1782, the Spanish negotiation was transferred to that place.

That part of the Journal before us, which relates to the various measures taken both in Europe and America, to effect a general peace, and to procure an acknowledgment of the independence of the United States, on the part of Great Britain, possesses particular interest for an American reader.

Spain, it is known, offered her mediation between France and Great Britain in the summer of 1778.

This offer was accepted by France, and a long and a fruitless correspondence on the subject, took place between the British and Spanish courts, and which finally ended in a rupture between the two nations, in June, 1779. In making this offer, Spain had two principal objects in view; one was to gain time, and to strengthen her marine, the other, to make her own terms with the United States, as the price of her alliance.

Spain proposed, that, in the negotiations between the belligerents, the United States shall be a party. This subject came before congress in February, 1779, and it was deemed necessary to appoint a minister, with instructions as to the terms of peace.

In framing these instructions, partial feelings and prejudices had their influence, and created divisions in congress. The great questions, relative to the ultimata, as to boundaries, the fisheries, and the navigation of the Mississippi, were agitated with much warmth by members from different parts of the Union, feeling, as they did, strong local interest in one or other of these questions.

This important subject was before congress from February until August, 1779, when it was settled.

The northern states insisted on securing the fisheries, as they had formerly used them; while those at the south, were equally solicitous to preserve the free navigation of the Mississippi. On these two questions the states were about equally divided, and in the result neither was made an ultimatum.

The only points on which the American negotiator was ultimately to insist, were, that Great Britain should treat with the United States as sovereign and independent, and that their independence be assured and confirmed, agreeably to the treaty of alliance with France. As to boundaries, those pointed out by the instructions were nearly the same as those finally established, except that the northern line was to run from latitude forty-five degrees, on the St. Lawrence, to the south end of Cape Nepissing, thence to the source of the Mississippi. With respect to this line, however, congress say, "but, notwithstanding the clear right of these states, and the importance of the object, yet they are so much influenced by the dictates of religion and humanity, and *so desirous of complying with the earnest request of their allies*, that, if the line to be drawn from the mouth of the Lake Nepissing to the head of the Mississippi, cannot be obtained without continuing the war for that purpose, you are hereby empowered to agree to some other line, between that point and the Mississippi; provided the same shall, in no part thereof, be to the southward of latitude forty-five degrees north." (Vol. ii. pages 225 to 228.)

In the event of peace, a commercial treaty with Great Britain was contemplated by congress.

In framing instructions to their minister on this subject, Massachusetts again insisted on securing the fisheries. A majority of the states finally instructed their minister, "not to consent to any treaty of commerce with Great Britain, without an explicit stipulation, on her part, not to molest or disturb the inhabitants of the United States of America, in taking fish on the banks of Newfoundland, and other fisheries in the American seas any where; excepting within the distance of three leagues of the shores of the territories remaining to Great Britain at the close of the war, if a nearer distance cannot be obtained by negotiation." At the same time, congress declared, that if, after a treaty of peace with Great Britain, she should molest the citizens of the United States, in taking fish in the places mentioned in the instructions, such molestation being a violation and breach of the peace, should be a common cause of the states, and that the force of the Union should be exerted

to obtain redress. They also pledged their faith to the several states, "that without their unanimous consent, no treaty of commerce should be entered into, nor any trade or commerce carried on with Great Britain, without such an explicit stipulation as was mentioned in the instructions."

The rupture between Great Britain and Spain, prevented any proceedings under these instructions. The subject of peace came again under the consideration of congress, in consequence of an offer of mediation between the belligerent powers in Europe, made by the empress of Russia and the emperor of Germany, in the latter part of the year 1780.

Congress were officially informed of this, in a memorial presented by the French minister in May, 1781, in which he says—

"It is of great importance, that this assembly should give their plenipotentiary instructions proper to announce their disposition to peace, and their moderation, and to convince the powers of Europe, that the independence of the thirteen United States, and the engagements they have contracted with the king, are the sole motives which determine them to continue the war; and that whenever they shall have full and satisfactory assurances on these capital points, they will be ready to conclude peace!

The manner of conducting the negotiation, the *extent of the powers of the American plenipotentiary*, the use to be made of them, and the confidence that ought to be reposed in the French plenipotentiaries, and the king's ministers, are points which should be fully discussed with a committee."

In pursuance of this suggestion, a committee was appointed to receive the communication of the French minister, on the points to which he referred. A report of this committee, which will be found in the second volume, from page 415 to 423, discloses not only the displeasure of Vergennes, at the conduct of the American negotiator, appointed under the Spanish mediation, but the wishes of that minister to be himself master of the terms of peace. The following extract from this report, seems to develop the views of the French court on these subjects.

"The minister communicated to them several observations respecting the conduct of Mr. Adams; and in doing justice to his patriotic character, he gave notice to the committee of several circumstances, which proved it necessary that congress should draw a line of conduct for that minister, of which he might not be allowed to lose sight. The minister dwelt especially on a circumstance already known to congress, namely, the use which Mr. Adams thought he had a right to make of his powers to treat with Great Britain.

The minister concluded on this subject, that, if congress put any confidence in the king's friendship and benevolence; if they were persuaded of his inviolable attachment to the principle of the alliance, and of his firm resolution constantly to support the cause of the United States, they would be impressed with the necessity of prescribing to their plenipotentiary, a perfect and open confidence in the king; *and would direct him to take no step without the approbation of his majesty*; and after giving him, in his instructions, the principal and most important outlines of his conduct, they would *order him*, with respect to the manner of carrying them into execution, to *receive his instructions from the count de Vergennes*, or from the person who might be charged with the negotiation, in the name of the king."

Mr. Adams was, no doubt, too independent in his conduct for the French minister; but there were other reasons, why the latter wished to have the terms of peace in his control.

On this report, the subject of instructions, as to the terms of peace, came before congress, and the states were again divided on the questions of boundaries and the fisheries.

On the 15th of June, 1781, after having associated Dr. Franklin, Mr. Jay, Mr. Laurens, and Mr. Jefferson with Mr. Adams, congress agreed to give them the following instructions:—

"You are hereby authorized to concur, in behalf of the United States, with his Most Christian Majesty, in accepting the mediation proposed by the empress of Russia, and the emperor of Germany.

You are to accede to no treaty of peace, which shall not be such as may—

First. Effectually secure the independence and sovereignty of the thirteen United States, according to the form and effect of the treaties subsisting between the said states and his Most Christian Majesty.

Second. In which the treaties shall be left in their full force and validity.

As to disputed boundaries, and other particulars, we refer you to the instructions given to Mr. Adams, dated August 14th, 1779, and 18th of October, 1780, from which you will readily perceive the desires and expectations of congress; but we think it unsafe, at this distance, to tie you up by absolute and peremptory directions, upon any other subject than the two essential articles above mentioned. You are, therefore, at liberty to secure the interest of the United States, in such manner as circumstances may direct, and as the state of the belligerent, and disposition of the mediate powers may require. For this purpose, you are to make the most candid and confidential communications, upon all subjects, to the minister of our generous ally, the king of France; to



undertake nothing, in the negotiations for peace or truce, without their knowledge and concurrence; *and ultimately to govern yourselves by their advice and opinion*, endeavouring in your whole conduct, to make them sensible how much we rely on his majesty's influence, for effectual support in every thing that may be necessary to the perfect security, or future prosperity of the United States of America.

If a difficulty should arise in the course of the negotiations for peace, from the backwardness of Britain to make a formal acknowledgment of our independence, you are at liberty to agree to a truce, or to make such other concessions as may not affect the substance of what we contend for; and provided that Great Britain be not left in possession of any part of the thirteen United States." Vol. ii. pages 445, 446.

The object of Vergennes, one of the most experienced and able statesmen in Europe, was, that the terms of peace should be left to the *discretion* of the American negotiators, and that this *discretion* should be at his control; and this object was accomplished through the influence of the French envoy in the United States.

The journals before us show, that the instructions were, at first, adopted by congress without the words, "*and ultimately to govern yourselves by their advice and opinion.*" Being confidentially communicated to the French minister by a committee appointed for that purpose, these words were reported by them, as proper to be inserted by way of amendment, and they were adopted by a majority of congress. The states of Massachusetts, Rhode Island, Connecticut, and Delaware, however, voted against the amendment, and Pennsylvania was divided.

The mediation of the imperial courts was accepted by the belligerents in Europe, as well as by the United States. Before entering, however, upon the negotiations, the French and Spanish courts insisted on answers from the court of London, to two preliminary questions; the first, upon what footing the king of England intended to treat with the United States? the second, as to the admission of an American plenipotentiary at the congress proposed to be held. These questions were transmitted to the king of England by the emperor of Germany, and the answers returned, were—

"That in all points to be agitated in a future congress, England will behave with great equity and condescension; *but the dependence of her rebel subjects in America must be pre-established, and that this matter must be left entirely to the care of Great Britain.*" These answers put an end to the proceedings under this mediation.

This result was communicated to congress by the French envoy, in September 1781, and is extant in vol. 3. pp. 27, 28, and 29; being an extract from a letter of Vergennes, on the subject of the mediation. The reader will also find in the same volume, from page 26 to 44, the substance of several letters, addressed by Vergennes to de la Luzerne, on the subject of American affairs; which will be read with much interest.

After the rupture between Great Britain and Holland, the French court proposed to congress, the propriety of inviting the Hollanders to join the alliance, and make a common cause for the independence of the United States. In consequence of this suggestion, Mr. Adams, who had before been appointed minister to Holland, was instructed to propose a *triple alliance* between France, the United States and the United Provinces of the Netherlands; the indispensable conditions of which were to be, that Holland should recognise the sovereignty and independence of the United States; that the war with Great Britain should be made a common cause; and neither party conclude truce or peace with Great Britain, without the consent of the whole, nor lay down their arms, until the independence of the United States be assured by Great Britain, in a treaty, which should terminate the war. Congress, however, had now become cautious of engagements of guaranty on their part; and the American minister was expressly directed to make no stipulation of alliance or guaranty of any possessions of the United Provinces. 2 vol. p. 471. The Hollanders declined this offer. The capture of lord Cornwallis and the army under his command, in October 1781, convinced the British nation, if not the British ministry, that the Americans were not to be subdued by force. In the winter of 1782, the ministers found themselves in a minority in the House of Commons, and were obliged to relinquish their plans. A new administration was formed, at the head of which was placed the marquis of Rockingham, and the earl of Shelburne and Mr. Fox, were made secretaries of state. Overtures for peace were soon made to Vergennes and the American minister at Paris, through Mr. Oswald and Mr. Granville, the agents of the new administration. The situation of England and France, in 1782, was the reverse of what it was twenty years before. France, then humbled by the success of the British arms, was accepting terms of peace at the dictation of Great Britain; a British minister was now soliciting the same favour, at the hands of France. The conversation which passed between Vergennes and Granville, at their first interview, as related by Doctor

Franklin, who was present, clearly evinced that France had not yet forgotten the peace of 1763.

Mr. Granville, in fact, stated to Doctor Franklin, as well as Vergennes, "that the king of England, being disposed to acknowledge and declare directly, the independence of America, it would no longer be a conditional article of peace." This fact, as well as others relative to the prosperous state of the negotiations, up to the last of June 1782, was communicated to congress, from the despatches of M. de Vergennes. The same despatches, however, say

"Such was the state of affairs, on the 28th of June; at which time, there appeared some *obstructions* to the negotiations, owing, it is believed, to the misunderstanding which prevailed in the British cabinet. *Tergiversations* were discovered, on the part of the British negotiators.

The bill authorizing the king of England to treat with the colonies of America, had not then passed. These uncertainties made it essential to guard against British emissaries, on the continent of America; and to prevent, with all care, their admission, and to recommend the same to the several legislatures." 3 vol. pp. 255, 256.

To enable the reader to understand what these "obstructions" were, as well as the cause of the "tergiversations" here referred to; it is necessary to state, that a majority of the new ministry were in favour of acknowledging the independence of America, as a preliminary to the negotiation, and so instructed Mr. Granville. The earl of Shelburne, however, and some others in the cabinet, were opposed to it. The death of the marquis of Rockingham, which took place about the end of June, or beginning of July, produced a change of men, and for a time, at least a delay, if not a change of measures, in the cabinet.

Lord Shelburne was placed at the head of the treasury, in the room of the marquis of Rockingham. This occasioned an open rupture in the cabinet; and Mr. Fox and some of his friends resigned their places.

One of the reasons assigned by Mr. Fox, for his resignation, was, that under the influence of lord Shelburne, the cabinet had departed from the principles adopted under the administration of his predecessor, relative to the acknowledgment of American independence. In vindication of himself, lord Shelburne, in open parliament, declared he had been, and still was of opinion, that whenever parliament should acknowledge the independence of America, the sun of England's glory was set for ever. Such, he said, were the sentiments he possessed on a former day, and such were the sentiments he still held: that other no-



ble lords thought differently, and as a majority of the cabinet supported them, he acquiesced in the measure, dissenting from the idea; and the point was settled to bring the matter before parliament. The king still entertained a distant hope, to make some terms with the Americans, short of an open and direct acknowledgment of their independence; and the feelings and views of lord Shelburne on this subject, were in accordance with those of his sovereign; and this, no doubt, placed him at the head of the treasury.

With these views, there can be little doubt, it was, that lord Shelburne, about the last of June, sent the celebrated sir William Jones, as a secret agent to Paris, to sound the American minister on the subject; and probably, with directions, ultimately to proceed to America. Certain it is, that about the last of June, Mr. Jones, in company with a gentleman by the name of Paradise, went to Paris. On their first arrival, it was given out that they were on their way to America on private business; Mr. Paradise to recover an estate, and Mr. Jones as counsel, to assist him.

While at Paris, Mr. Jones visited Doctor Franklin and Mr. Jay. He did not, it is believed, directly mention to them, any terms of reconciliation; but he approached Dr. Franklin, in a way, which leaves no doubt of his real object. He presented him, as a curiosity, what he called "a Fragment of Polybius." In this pretended fragment, that celebrated historian is made to give a history of a contest between ancient Athens and her colonies; in which the latter, having been victorious, are supposed to demand hard terms of their parent country; and were determined to acquiesce in nothing less, than an open and direct acknowledgment of their independence. Athens is represented as entreating the colonies to remember the former ties by which they were connected; their origin, the similarity of their language, habits, manners and education, as well as their former commercial intercourse; and not to insist on terms so humiliating to their former parent; and particularly, not to require an express and open acknowledgment of their independence. This fragment, or rather diplomatic paper, will be found in the works of Dr. Franklin; and evinces the learning and genius, as well as the real object of the author. The count de Vergennes, along with the American ministers, was apprehensive that Mr. Jones was, in reality, on his way to America, to attempt a separate peace; and these apprehensions were, by them, communicated to congress.

In consequence of these representations, congress, in 1782, after reciting the terms of the treaty of alliance, and their ap-



pointment of ministers in Europe, with powers to negotiate and conclude a general peace, proceed to say,

"Nevertheless it appears, that the British court still flatters itself, with the vain hope of prevailing on the United States to agree on some terms of dependence on Great Britain, or, at least, to a separate peace; and there is reason to believe that commissioners may be sent to America, to offer propositions of that nature to the United States, or that several emissaries may be employed to delude and deceive. They, therefore, resolved to adhere to the treaty of alliance, and that they would conclude neither a separate peace nor truce with Great Britain; and would not enter into the discussion of any overtures for pacification, but in confidence and in concert with his Most Christian Majesty."

Mr. Jones, however, whatever might have been his original intentions, returned to England, without visiting America. During the negotiations for a general peace at Paris, those with Spain were renewed at that place, between Mr. Jay and the Spanish minister count de Aranda.

The western limits of the United States again became a subject of dispute; and the Spanish minister claimed a line, which deprived the United States of the greatest part of the western country. How far this claim was supported by France, may be learned from a communication on the subject, made to Mr. Jay, by M. Rayneval, principal secretary of Vergennes, in September 1782. Before particularly noticing this extraordinary communication, we would state, that Spain joined France in the war, in pursuance of a secret treaty, between those two powers, concluded in April 1779. This treaty, it is believed, has never yet been published; and its terms can only be ascertained from conjecture. The presumption is strong, that the king of France engaged, by it, to assist the king of Spain in securing the exclusive navigation of the Mississippi, and the country he owned, east of that river, before the peace of 1763; and that there was an understanding between the French and Spanish courts, to regain, if possible, what they had been compelled to cede to Great Britain, at the close of the preceding war. In 1786, pending the negotiations between Spain and the United States concerning limits, Mr. Jay was required by congress, to state how far France had supported Spain, in her claim of limits, and the exclusive navigation of the Mississippi. In answer to this inquiry, Mr. Jay stated, that

"Mr. Girard, while at Philadelphia, treated the right of the United States to the navigation of the Mississippi, as ill founded, and prosecuted measures for a dereliction of it. In conversation with the secretary of the French minister, at Madrid, in Septem-

ber 1780, the secretary hinted to him, that France had, probably, held up to Spain, the exclusive navigation of the Mississippi, and the Gulf of Mexico, to induce her to join in the war. The secretary said, that Girard had reasoned well about these matters; but did not believe France had promised this to Spain. He also, at the same time admitted, that the count de Luzerne had mentioned to the French ambassador, "that two members of congress, with whom he had talked on the affair of the Mississippi, thought it would be best not to bring on the question of the Mississippi, until Spain should become possessed of the country adjacent, for that, *then*, it might be *ceded*, with a better grace."

Mr. Jay at the same time, reported the communication of Rayneval, above mentioned, which was very explicit, not only as to the claim of Spain, but the views and claims of the French court, relative to this subject.

The chart to which Rayneval referred, in what he called his "Idea on the manner of determining and fixing the limits between Spain and the United States on the Ohio and Mississippi," (vol. iv. p. 80, &c.) was, no doubt, Mitchell's Map of North America, published under the direction of the Board of Trade and Plantations, in 1755, on which his line can easily be traced. By this line, the country comprehending the whole of the present state of Mississippi, part of the states of Alabama and Tennessee, was given to Spain; and all the fertile territories north of the Ohio, were considered as belonging to Great Britain, and to be a subject of negotiation between the courts of London and Versailles.

The American negotiators, being satisfied that the "ideas" of the French court, not only as to boundaries, but, also, in regard to the fisheries, were very different from those of the United States, proceeded to make a provisional treaty with Great Britain, without even consulting the French king or his minister, though in direct violation of their instructions. To this treaty was annexed a *separate or secret article*, relating to the southern boundary, and which will be found in the third volume, page 338, as follows:—

"It is understood and agreed, that, in case Great Britain, at the conclusion of the present war, shall recover or be put in possession of West Florida, the line of north boundary shall be a line drawn from the mouth of the river Yasores, where it unites with the Mississippi, due east of the river Apalachicola."

This claim, on the part of Great Britain, to extend to the mouth of the Yasores, in case she should retain West Florida, was founded on the extension of the bounds of that province to that place in 1774, by a royal commission to the governor of that part of the British dominions.

The secret article, after the cession of West Florida to Spain became known to the Spanish court, was one cause of the difficulty that occurred in the settlement of limits between Spain and the United States.

Although congress ratified the provisional treaty of peace, yet they instructed their ministers to obtain, in the definitive treaty, some explanation, in the article, relative to the recovery of debts, and particularly as to interest during the war. On this subject, they, in their instructions, declare, that all demands for interest accruing during the war, would be highly inequitable and unjust. The American ministers are particularly instructed, "to endeavour to obtain a precise definition of that article of the preliminary treaty, which stipulates payment of debts, expressly excluding all demand for interest, in order to prevent any disputes, which may hereafter arise from the inexplicit terms of the article." Vol. iii. page 361. It is known, however, that no explanation or alteration of this, or any other of the articles of the provisional treaty could be obtained by the American negotiators; nor were the American ministers able to make any commercial arrangements with Great Britain.

The peace of 1783, found the United States exhausted by war; burdened with debt; and with a weak and inefficient government. Serious disputes, also, soon arose with Great Britain and with Spain. With the former, on account of her non-execution of the treaty of peace, and her commercial regulations; with the latter, on the old subject of limits, and the navigation of the Mississippi. To settle the disputes with Great Britain, Mr. John Adams, in the winter of 1785, was sent minister to the court of London. He was instructed to insist, that the United States should, without delay, be put in possession of the western posts; to remonstrate against the infraction of the treaty of peace, by the exportation of negroes and other American property, contrary to the stipulations of the seventh article of it; also, to represent to the British ministry the tendency of their commercial restrictions to incapacitate the American merchants from making remittances to England. Vol. iii. page 553. The issue of Mr. Adams's negotiations at London is well known.

Unable to make a commercial treaty with Great Britain, and fully aware of her jealousy relative to American commerce, congress, in the latter part of the year 1783, instructed their ministers empowered to negotiate a treaty of peace, not only to enter into a treaty of amity and commerce with the emperor of Germany, but to meet the advances, and encourage the disposition of the other commercial powers in Europe, for



entering into treaties of amity and commerce with the United States. "In negotiations on this subject," congress say, "you will lay it down as a principle, in no case to be deviated from, that they shall respectively have for their basis, the mutual advantage of the contracting parties, on terms of the most perfect equality and reciprocity, and not to be repugnant to any of the treaties already entered into by the United States with France and other foreign powers." This subject was resumed by congress in May, 1784, and they resolved, it would be advantageous to the United States to conclude commercial treaties with Russia, the court of Vienna, Prussia, Denmark, Saxony, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, Naples, Venice, Sardinia, and the Ottoman Porte. In the formation of these treaties, the American negotiators were to obtain stipulations on certain points mentioned in their instructions, which the reader will find in the third volume, from page 484 to 489.

Among them was one, calculated to mitigate the calamities of war, which the American ministers were to propose, though not indispensably require; as follows:—

"In case of war between the contracting parties, all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed and inhabiting unfortified towns, villages, or places, who labour for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy, in whose power, by the events of war, they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price; and all merchants and traders exchanging the products of different places, and thereby rendering the necessities, conveniences, and comforts of human life more easy to obtain, and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading ships, or interrupt such commerce."

This stipulation was soon after inserted in a treaty made with Prussia.

The Spanish court, in 1784, informed congress, that American vessels would not be permitted to navigate the Mississippi, within the territorial limits then claimed by the Spanish government. This information was communicated through Marbois, the French chargé d'affaires, and contained in an extract of a letter from the Spanish prime minister, to the



agent of Spain in America. The extract is in the third volume, page 517.

In this, the Spanish agent is commanded to give congress and the states to understand, that until the limits of Louisiana and the Floridas shall be settled and determined, they should not expose "to process and confiscation" the vessels destined to carry on commerce on the river Mississippi; alleging, that a treaty concluded between the United States and England, could not fix limits in a territory which England did not possess, the two borders of that river having been conquered and possessed by Spain at the date of that treaty. Negotiations on this subject commenced in America, between Mr. Jay and the Spanish envoy, Gardoqui; and a particular account of them may be found in the fourth volume of the journals before us. But the length to which we have already extended our extracts, obliges us to refer the reader to the journals themselves, for a view of these, as well as many other interesting transactions with foreign powers, there recorded.

Those who have a desire to become acquainted with these, as well as the secret causes of many of the political transactions in which the United States were concerned during this period, will be amply compensated by the perusal of the volumes which we have thus cursorily noticed.

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ART. VII.—*Poems.* By MRS. HEMANS. Vol. i. pp. 480.  
Vol. ii. 232. Boston: Hilliard, Gray, Little, & Wilkins.  
1826, 1827.

MANY of the most interesting works of Mrs. Hemans, whose name is well known throughout the country, and duly valued for the great merit of her shorter poems, have at length been collected by an eminent professor in one of our universities, and published for the benefit of the authoress. We shall not omit the opportunity of expressing our respect for the liberal feeling which dictated the undertaking, and our admiration of the beautiful poetry which justifies it. No more elegant edition of an English poet has ever issued from the American press.

There is every thing in the case of Mrs. Hemans to disarm criticism, if there were any occasion for exercising its severity. A woman, a native of a rival country, yet not indifferent to all the circumstances in our glorious destiny, which awaken in us a thrill of patriotism, elevated in her morality, full of deep,

religious sentiment, she has every claim to a favourable hearing; and there is, moreover, a tone of sorrow, tempered by resignation, in all her writings, plainly indicating that she has not been a stranger to suffering. Yet there is no need of looking for motives to excite a personal regard for Mrs. Hemans, in order to secure a strong interest in her productions. They are sustained by their intrinsic worth, and we rather fear our inability to represent their merits in an adequate manner, than that we shall go beyond the general opinion in any expression of admiration.

The first characteristic which we shall mention in the poetry of Mrs. Hemans, is its contemplative character. It possesses a serenity, which, of late years, amidst the general craving for excitement, has been uncommon. During the periods of revolutionary wars, the character of the literature of the times seemed in some measure to bear a similarity to their political aspect. In the sciences, new theories were devised in rapid succession; romance could invent no fictions too wild for the public taste; a picture of frenzied passion, or a succession of marvellous incidents, was the necessary passport to popularity; and if heaven, earth, and ocean had formerly been plundered of their sweets, the universe was now ransacked in quest of images of terror. There has been as much a revolutionary style in letters, as a revolutionary system in politics; and for a season, the old-fashioned regard for elegance of manner and exactness of conception, was almost laughed out of countenance by an affectation of facility and genius. Even minds of the highest order did not remain unaffected by the unsettled state of society; while smaller wits were carried away with it entirely. Witness in Alfieri, the singular union of the highest classic simplicity and dignity in his tragedies, contrasted with the wildness of his race; his fervent and apparently sincere and honourable passion for liberty, joined to his extravagant judgments of men in the conduct of life, and in his political disquisitions. Witness the errors of Schiller's youth, before his taste had been matured and chastened to a manly admiration of regular beauty; witness the thousand forms under which the muse of Goethe has disguised her natural sweetness and power, his Faust, his tragedies from domestic life, and above all his novels. And if we might venture to cite a nearer example, we would even name Byron, whose vast and powerful genius resembled a mighty stream, that, taking its rise in a dark soil, bears the marks of its origin in its whole course to the ocean.

We mistake, if a better day has not dawned upon literature; and since peace has been winning her victories throughout the

civilized world, a healthier tone, one of greater moderation and reasonableness, is making itself perceptible in all branches of intellectual pursuits. Men are tired of wondering and being dazzled, of juggler's tricks played off in the quiet regions of contemplative life; they demand something more than the power of exciting, to establish a claim to literary reputation, or even to temporary popularity; and we believe, that, even within a few years, since the political agitation of the public mind has subsided, while morality has been advanced in the comparative quiet which has ensued, and philanthropy been more active than ever in its attempt to alleviate distress and prevent crime, the good influence has also been felt in literature, and men have gone back from the analysis of depravity and passions, to the description of goodness and the commendation of virtue. If poetry is the spirit of God within us, that spirit must be a pure one: if it is the strongest and most earnest expression of generous enthusiasm, it must be allied with the noblest feelings of human nature. Genius can, it is true, of itself attract attention; but cannot win continued and universal admiration, except in alliance with virtue. Who can measure the loss which the world would sustain, if the sublimest work of Milton were to be struck from the number of living books? Yet the world would be the gainer, if Don Juan were as if it had never been written. The one poet cherishes loftiness of purpose, and tends to elevate his reader to a kindred magnanimity; while the other exposes, it may be with inimitable skill and graphic power, the vices and the weaknesses of man, and so tends to degrade the mind to the level which he establishes for the race. But we go to poetry as a relief and a support. We need no books, to ring changes to us on man's selfishness; and if at times, in a moment of despondency or disappointment, when the confused judgment cannot rightly estimate the progress of good amidst the jar of human passions and the collision of human interests, we forget the dignity of our nature and revile it, the poet should reinstate it in our favour, and make us forget our disgust with the world.

The general character of Mrs. Hemans's poetry leads us to these remarks. There is no place for her works in a corrupt state of society; they are flowers which can bloom only in a pure and serene air. A holiness of character is stamped upon them. The spirit of submission to a watchful Providence, and an unshaken faith light up every picture of distress. The kindly affections are delineated with sweetness and truth. Her poems have a *social* character; they belong to the house and the pleasant fireside: and yet they are any thing rather than common.

What she says of Wordsworth, is most true of herself; she is as one,

Who, by some secret gift of soul or eye,  
In every spot beneath the smiling sun  
Sees where the springs of living waters lie.

Yet, between Wordsworth and herself, there is this important difference; Mrs. Hemans always connects the moral interest which she endeavours to awaken, with objects of corresponding dignity; while it is the pride of Wordsworth to delineate the passions of man, as they are developed in the ordinary walks of life, and to abstract the philosophy of human existence from the chronicles of a village, and the musings of common minds.

While on this subject, we cannot forbear to remark on that tendency to moralize, which many mistake in themselves for wise observation. True, to the eye of a contemplative man, books may be found in the running brooks, and sermons in stones; but it is the mark of an inferior mind, to be constantly repeating the commonplaces of morality: one, who does it often, is sure to be esteemed by his neighbours as a tedious pros-er; and to have this strain of puny thinking put into verse, and set before us as sublime, is really intolerable. In that which is to produce a grand effect, every thing must be proportionably grand. The historians of nature tell us, that gold is diffused throughout creation, may be extracted from the stones we tread upon, and enters into the composition of the plants on which we feed. But, it is a very slow and troublesome process to extract it from most stones and plants; and after all, it is obtained in so small quantities, that it is not worth the trouble it cost. And so it may be with the elements of poetry. They exist every where; the dreams of the drunkard may sometimes have a gleam of bright fancy; a mother setting out in pursuit of an idiot boy, who has run away on an ass, may have very proper thoughts, and weep as sincerely as Andromache herself; and the reformation of a knave, like Peter Bell, may be psychologically as remarkable as the downfall of Macbeth, the scepticism of Hamlet, the madness of Lear. But still it is not the thing we want. To the observer of the human mind, the mere collector of facts, one man's experience may offer nearly as much as another's; but cannot, in the same degree, promote the purposes of the poet. At a ball in any village in the country, there are probably the self-same passions at work, as were ever called into action on similar occasions; the beauty and pride of a country town, dancing to an imperfect band, may afford illustrations of all the moral phenomena of vanity,



admiration and love; the hours whirled away very agreeably in lively dances, and blushes excited by the praise of loveliness. But all this is a common, every-day sort of business; and hardly any one would think of weaving it into poetry. But when the imagination is wrought up by the expectation of an approaching battle, when the capital of Belgium has gathered its own beauty and the chivalry of England, when the blow that is to decide the destiny of empires is suspended for a season, while youth and pleasure revel in careless gaiety, till they are recalled from the charm that creeps over the senses, by a peal, which is the death-larum of thousands, we find the scenes of the ball-room contributing to heighten the power and the splendour of poetry. If we hear of a blind boy, who goes to sea in a shell, we should think the story would make a very curious and proper paragraph for the miscellaneous department of a newspaper; provided the fact be well authenticated: but what is there of poetry about it? If we were to meet a little girl, who had lost her pet lamb, it would be proper to be extremely sorry; and the matter is a fit one for proportionate sympathy. But these are trivial things; they hardly claim much attention in life; they are of no general interest for the exercise of the imagination. The poet must exalt and satisfy the mind; must fill us with glorious aspirations and lofty thoughts; must lead us out through the high heaven of invention, and call up before us the master-passions of man's mind in all their majesty; not show us the inside of a baby-house, nor furnish us with a comment on the catalogue of a toy-shop.

In respect to the choice of subjects, Mrs. Hemans deserves unqualified praise. She has obviously a mind enriched by varied culture; the most striking characters and events of history are familiar to her, and she has plainly cherished an intimate acquaintance with the best productions of the foreign muse. There are to be found among her works, some very pleasing translations from the Portuguese and the Spanish, as well as from the German; and for the subjects of her original poetry, her mind seems to have taken a wide range, and gathered materials from the most remote countries and times. Our own Bryant, whom we shall not name without expressing respect for his genius, has furnished her with a subject for a short poem, and her imagination seems especially to delight in the legends and history of Spain; in which country she has found a subject for two of her most beautiful productions, the *Siege of Valencia*, and the *Forest Sanctuary*.

Of these two poems, the latter is remarkable for the descrip-

tion of the mental sufferings of a Spanish Protestant, compelled to fly for refuge to the forests of America. Scarcely any other English poet would have let the opportunity pass, of saying severe things of the Roman Catholic faith. Not so Mrs. Hemans' sufferer. He wishes that peace may be with all, "whatever their varying creeds, with all that send up holy thoughts on high." There is no disposition to confound the bigotry of the age with the spirit of religious devotion, and after the horrors of the auto da fe, we find a beautiful picture of deep and fervent piety in the wife of the refugee, herself remaining true to the creed of her fathers. We should make large extracts from this poem, if our limits would allow. The whole is executed with great elegance and feeling, and is worthy of approbation as a finished poem, in which the colour of the scenes described, is shed over the description of them; the loftiest sentiments are expressed in dignified language, and the sufferings of the human mind delineated with irresistible power, and yet in the spirit of resignation.

In the siege of Valencia, the charm lies in the delineation of maternal tenderness, struggling with a stern sense of duty. None but a mother could have written it; and the story is so well told, and the conflict of the passions produces so much suffering, without any effeminate weakness or corrupt irresolution, that the tragedy cannot fail to excite interest. Indeed, it is already so great a favourite with those who have read it, that we do but echo the public voice.

Thus then, to Mrs. Hemans may be given the praise of uniting loftiness of purpose and purity of tone, with an earnest melancholy, and a natural and true sensibility. She has a mind open to all moral beauties and to those of nature; a refined taste, a cultivated imagination: in the choice of her subjects, she selects those of an intrinsic beauty, and while her short poems are almost unrivalled for melody and freedom, in spite of the restraints of the measure, her larger works are executed with scrupulous and untiring care. Her mind has been formed in the retirement of the country, and the seclusion of domestic life; she has entered on the career of literary emulation with no advantage but that which her fine spirit conferred, and we, therefore, the more cheerfully bear our testimony to the interest which her writings have excited in our country—an interest which we hope will be agreeable to her feelings, as it is honourable to the public taste.

We annex a few of her shorter poems, not as the best, but as pleasing specimens of her versification and tone of feeling.

Why is the Spanish maiden's grave  
So far from her own bright land?  
The sunny flowers that o'er it wave  
Were sown by no kindred hand.

'Tis not the orange-bough that sends  
Its breath on the sultry air,  
'Tis not the myrtle-stem that bends  
To the breeze of evening there!

But the Rose of Sharon's eastern bloom  
By the silent dwelling fades,  
And none but strangers pass the tomb  
Which the Palm of Judah shades.

The lowly Cross, with flowers o'ergrown,  
Marks well that place of rest;  
But who hath graved, on its mossy stone,  
A sword, a helm, a crest?

These are the trophies of a chief,  
A lord of the axe and spear!  
—Some blossom pluck'd, some faded leaf,  
Should grace a maiden's bier!

Scorn not her tomb—deny not her  
The honours of the brave!  
O'er that forsaken sepulchre,  
Banner and plume might wave.

She bound the steel, in battle tried  
Her fearless heart above,  
And stood with brave men, side by side,  
In the strength and faith of love!

That strength prevail'd—that faith was bless'd!  
True was the javelin thrown,  
Yet pierced it not her warrior's breast,  
She met it with her own!

And nobly won, where heroes fell  
In arms for the holy shrine,  
A death which saved what she loved so well,  
And a grave in Palestine.

Then let the Rose of Sharon spread  
Its breast to the glowing air,  
And the Palm of Judah lift its head,  
Green and immortal there!

And let yon grey stone, undefaced,  
With its trophy mark the scene,  
Telling the pilgrim of the waste,  
Where Love and Death have been.

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#### THE WRECK.

All night the booming minute-gun  
Had peal'd along the deep,  
And mournfully the rising sun  
Look'd o'er the tide-worn steep.  
A bark from India's coral strand,  
Before the raging blast,  
Had vail'd her topsails to the sand,  
And bow'd her noble mast.

The queenly ship!—brave hearts had striven,  
And true ones died with her—  
We saw her mighty cable riven,  
Like floating gossamer.  
We saw her proud flag struck that morn,  
A star once o'er the seas—  
Her anchor gone, her deck uptorn,  
And sadder things than these.

We saw her treasures cast away—  
The rocks with pearls were sown,  
And strangely sad, the ruby's ray  
Flash'd out o'er fretted stone.  
And gold was strewn the wet sands o'er,  
Like ashes by a breeze—  
And gorgeous robes—but oh! that shore  
Had sadder things than these!

We saw the strong man still and low,  
A crush'd reed thrown aside—  
Yet by that rigid lip and brow,  
Not without strife he died.  
And near him on the sea-weed lay—  
Till then we had not wept,  
But well our gushing hearts might say,  
That there a mother slept!

For her pale arms a babe had prest,  
With such a wreathing grasp,  
Billows had dash'd o'er that fond breast,  
Yet not undone the clasp.



Her very tresses had been flung  
To wrap the fair child's form,  
Where still their wet long streamers clung,  
All tangled by the storm.

And beautiful 'midst that wild scene,  
Gleam'd up the boy's dead face,  
Like Slumber's, trustingly serene,  
In melancholy grace.  
Deep in her bosom lay his head,  
With half-shut violet eye—  
*He* had known little of her dread,  
Nought of her agony!

Oh! human Love, whose yearning heart,  
Through all things vainly true,  
So stamps upon thy mortal part  
Its passionate adieu—  
Surely thou hast another lot,  
There is some home for thee,  
Where thou shalt rest, remembering not  
The moaning of the sea!

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#### THE RELEASE OF TASSO.

There came a bard to Rome; he brought a lyre  
Of sounds to peal through Rome's triumphant sky,  
To mourn a hero on his funeral pyre,  
Or greet a conqueror with its war-notes high;  
For on each chord had fallen the gift of fire,  
The living breath of Power and Victory—  
Yet he, its lord, the sovereign city's guest,  
Sigh'd but to flee away, and be at rest.

He brought a spirit whose ethereal birth  
Was of the loftiest, and whose haunts had been  
Amidst the marvels and the pomps of earth,  
Wild fairy-bowers, and groves of deathless green,  
And fields, where mail-clad bosoms prove their worth,  
When flashing swords light up the stormy scene—  
He brought a weary heart, a wasted frame,—  
The Child of Visions from a dungeon came.

On the blue waters, as in joy they sweep,  
With starlight floating o'er their swells and falls,  
On the blue waters of the Adrian deep,  
His numbers had been sung—and in the halls,

Where, through rich foliage if a sunbeam peep,  
It seems Heaven's wakening to the sculptur'd walls,—  
Had princes listen'd to those lofty strains,  
While the high soul they burst from, pin'd in chains.

And in the summer-gardens, where the spray  
Of founts, far-glancing from their marble bed,  
Rains on the flowering myrtles in its play,  
And the sweet limes, and glassy leaves that spread  
Round the deep golden citrons—o'er his lay  
Dark eyes, dark, soft, Italian eyes had shed  
Warm tears, fast-glittering in that sun, whose light  
Was a forbidden glory to his sight.

Oh! if it be that wizard sign and spell,  
And talisman had power of old to bind,  
In the dark chambers of some cavern-cell,  
Or knotted oak, the spirits of the wind,  
Things of the lightning-pinion, wont to dwell  
High o'er the reach of eagles, and to find  
Joy in the rush of storms—even such a doom  
Was that high minstrel's in his dungeon-gloom.

But he was free at last!—the glorious land  
Of the white Alps and pine-crown'd Apennines,  
Along whose shore the sapphire seas expand,  
And the wastes teem with myrtle, and the shrines  
Of long-forgotten gods from Nature's hand  
Receive bright offerings still; with all its vines,  
And rocks, and ruins, clear before him lay—  
The seal was taken from the founts of day.

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ART. VIII.—*Commentaries on American Law.* By JAMES  
KENT. Vol. i. New-York, Halsted: 1826.

To a peculiar, and in our opinion, a most impolitic provision in the constitution of the state of New-York, we are indebted for the present work. According to that fundamental law, no one can exercise the functions of a judge, after he has attained the age of sixty years; an age which, on this side of the Hudson, is considered as that at which the human mind, enriched by knowledge, matured by experience, and unclouded by turbulent passions, is fittest to decide with wisdom and calmness on the complicated affairs of men. Hence, in all countries and in all ages, from the days of Nestor to the present time, the

elders of the land have been looked up to as the soundest and most prudent advisers on nice and difficult questions, and to them the name of *sages*, which implies the highest degree of knowledge and wisdom, has been emphatically applied.

But it is otherwise in the state of New-York. There Jefferson and Adams, whose lives were prolonged much beyond the number of years commonly allotted to mankind, and whose lamps shone bright to the last moment, would, during a long period of their existence, have been considered unfit to fill even the petty offices of county magistrates, and to settle a trifling litigated case of slander or assault and battery. Washington, himself, at the moment when his hand was signing that celebrated instrument, the proclamation of neutrality, which saved our country from the horrors of war,\* was actually disfranchised in one of the states that was at that time relying on the powers of his mind for its safety. Yet, even he, was incapacitated from being a justice of the peace in the county of Otsego; he was not fit for the office; he was too old; the faculties of his mind were impaired. Such was the reasoning which the New-York constitution would have applied to him as well as to any other, while that mind kept the enraged powers of Europe in respectful awe; and at home, regardless of opposition, was preparing this nation, by the blessings of a long peace, for the glories which it afterwards acquired by a short and successful war.

Our author was appointed to the office of recorder of the city of New-York, in the month of March, 1797. In the year 1806, we find him filling the highest place in the Supreme Court of that state, in which he had sat for some years as a puisne judge. On the 25th of February, 1814, he was appointed to the office of chancellor, which he filled until the 31st of July, 1823, when on the stroke of the last hour announcing that he had reached the end of his sixtieth year, he was obliged to descend from the high station which he had filled with so much honour, and return to private life. This was the effect of the constitutional law that we have mentioned.

It is said, that this extraordinary law was adopted in consequence of the disgust occasioned by one *Daniel Horsmanden*, who under the royal government was chief justice of the province of New-York. He was, and it appears justly too, a most unpopular judge; tenacious of his will, and arbitrary in his decisions. He lived to a very advanced age, and the revolution

\* Washington was, at that time, (in 1793), sixty-one years of age. He was born in the year 1732.

found him on the Bench when he was in his dotage. To prevent a similar occurrence, the provision that we have noticed was introduced into the first constitution of the new state; which recent feelings might easily account for; but it is not so easy to give a reason for the insertion of the same clause in the constitution which was made in the year 1822, avowedly for the purpose of correcting the defects of the former one. It is not for us to pass judgment on so solemn an act of the people of an enlightened state; but we cannot help observing, that we can see no ground for this provision save the presumed incapacity of the judge who has attained the fatal period of his life; a presumption which, we think, we have sufficiently rebutted by the illustrious examples that we have adduced, perhaps without necessity, as we needed only to mention the present instance.

It is related of the poet Sophocles, that when he had attained a very advanced age, his children, impatient to get into possession of his estate, denounced him to the magistrates, as having fallen into a second childhood, and being incapable of managing his own property. Summoned before the tribunal, Sophocles made no defence; but begged permission to read a few scenes of his Tragedy of *Œdipus*, which he was then composing. The effect was instantaneous. The powers of a master-mind were not to be resisted. The enraptured judges accompanied the poet home in triumph, and dismissed his ungrateful children with ignominy. Had a similar tribunal been established at Albany, and had our author appeared before them with this book in his hand, we have no doubt that the New-York magistrates would have followed the example of those of Athens, and that their venerable chancellor would have been reconducted with honour to his judicial seat.

Ten volumes of common law and seven of equity decisions, faithfully reported by Mr. Johnson, and cited with respect in all the courts of the United States, attest the labours of our author while he held successively the offices of chief justice and chancellor of the state of New-York. In the latter capacity, he made the English system of equity his own, by presenting its rules and principles in a clear and luminous point of view, and so far methodized it, with the modifications required by the local laws and usages of his own state and our republican form of government, that if he had but remained a few years longer in his exalted station, there would have been, probably, no need of recurring to foreign authorities for equitable principles or rules of decision; and thus he would have effected gradually and imperceptibly, what our legislature has attempt-



ed to do by a direct prohibition; a mode which we think far less dignified, and surely not more effectual than that which Chancellor Kent adopted.

It was while thus engaged in the execution of a plan so honourable to himself and so advantageous to his country, that the learned author of these Commentaries was compelled to retire from his official station. To mix again in the turmoil of forensic contest, was an occupation not well suited to his advanced age; and a life of total inactivity was what, with his long habits of mental exertion, he was not disposed to indulge in; he, therefore, accepted without hesitation, the chair of professor of law, which was tendered to him by the trustees of Columbia College. He had filled that office at an earlier period, before he was called to the exercise of judicial functions. He accepted it now, not for the sake of its emolument, which is inconsiderable; but, as he says himself in his short preface, "to employ the entire leisure in which he found himself, in further endeavours to discharge the debt which, according to lord Bacon, every man owes to his country;" being apprehensive, as he also says, "that the sudden cessation of his habitual employment, and the contrast between the discussions of the forum, and the solitude of retirement, might be unpropitious to his health and spirits, and cast a premature shade over the happiness of declining years."

These were the considerations which induced our author to devote his learned leisure to the instruction of the present and future generations, in a science which he had himself nurtured and improved, and which we may say, he had contributed to create: for, AMERICAN LAW, the subject of this work, is a plant but of yesterday; if we look back only fifty years, we can trace its early beginnings and follow it in its rapid growth. Fifty years, nay, forty years ago,\* the term *American Law* would hardly have been understood, and no other but a vague and undefined meaning could have been affixed to it. Now, we know what American Law is; we know it is a science, which, indeed, has not reached its utmost degree of perfection, but is fast advancing towards it. We know it is a science, which in the course of another fifty years, will by its own force, *vi propria*, expel from our shelves the ponderous mass of foreign lore by which they are still encumbered, and perhaps, (the idea is not at all wild or extravagant), and perhaps, we venture to say, make the works of our own writers on jurisprudence, the

\* The present Federal Constitution, did not go into operation until the year 1789, thirty-eight years before the present time.

ornament of the libraries of foreign jurists. This, at any rate, is the object to which our efforts should tend; for nothing great was ever achieved, without a great end constantly in view.

"There was a time," said the celebrated JOHN DICKINSON, when deciding for the first time a question of the law of nations against the current of British authorities; "there was a time when we listened to the language of the senates and courts of Great Britain, with a partiality of veneration as to oracles.—It is past,—we have assumed our station among the powers of the earth, and must attend to the voice of nations, to the sentiments of the society into which we have entered."\*

These words were spoken in the year 1784, shortly after the declaration of our independence had been confirmed by a glorious peace. They were not thrown away, and the work before us shows how they have fructified. In some respects, indeed, they have fructified too much; they have thrown out wild and luxuriant shoots, and have impeded the very object which they were intended to promote; since the sentiment which they express has produced that bitter and uselessly severe proscription of English authorities which we have before noticed; as if mankind could never be kept from one or the other of two extremes, and could not venture to stand on the high and commanding middle ground, which gives them a view of the whole space!

A proud disregard of the opinions of English jurists, and a servile adherence to them, are equally hostile to the improvement of our own system of jurisprudence. Nor is it correct to say, that we must view them with the same indifference that we do those of the jurists of other countries. We must never forget, that the principle of representative government, to which we owe all that we are, the sacred trial by jury, the invaluable freedom of the press, and the security of personal liberty, by means of the celebrated writ of habeas corpus, have all been received by us from that country which once gave us law, and where those excellent institutions are still in vigour. From that country also, we have received a system of laws, which leaves nothing to the arbitrary discretion of the judge, and which prefers lying still and inactive when authority does not point the way, to striking out new paths, in search of real or fancied equity, lest, on a similar pretence, ignorant or iniquitous judges might work injustice. For although it is said,

\* Talbot, *qui tam*, &c. v. the Commanders and Owners of three Brigs. 1 Dallas, 106.

that at the common law there is no right without a remedy, and no wrong without redress, this maxim, as there is none which may be so easily abused, is wisely restricted in practice. Forms of proceeding are the outworks which fix the boundaries of remedial justice: were it otherwise, the most innocent act might be converted into a crime; constructive and cumulative offences would swell the penal code, and all civil rights be confounded.

This is the system which two hundred years ago was transplanted into this country, where it found a genial soil, and has so blossomed and fructified, that we now sit happy, free and independent under its shade. In England, where it took its origin, it was and is still overshadowed, and its kindly growth impeded by monarchical and aristocratical branches, which in time acquired an inordinate strength, and perhaps, at some future day, will choke and destroy the noble plant. Here, however, the aristocratical twigs never were transplanted, and the monarchical branch took such feeble root, that it perished in the first storm which arose, and the republican trunk alone remained, shooting glorious branches, and scattering its seeds over the whole American hemisphere, where the young tree is now seen every where in the most promising growth.

Such is the system which is the true and legitimate foundation of our American jurisprudence. Since the first period of our colonization, it has experienced changes, and is destined to experience still more; but, (to pursue our simile) none of these changes have affected the root of the tree, which on the contrary has acquired strength far beyond that which it possesses in the country where it took its rise; but new scions and suckers have been ingrafted on the trunk, in lieu of the excrescences which disfigured it and impeded its growth. A little more skilful trimming will bring it to its due perfection. The feudal branches are dying off, and no longer derive any nourishment from the root. They will in process of time entirely disappear.

The author of the work before us, has undertaken to present a draught of this tree, in its present shape, and in the form in which it now appears in this country. As far as he has advanced, he has done it in a manner honourable to himself, and useful to the student of American jurisprudence.

We regret, however, to find, that to a work of this kind, no introduction has been prefixed. The author has erected an edifice open on all sides, and without any structure to decorate its front. We must presume that he has reserved this for his last task, which will, perhaps, be best accomplished, when the



whole building, with its various proportions, shall be fully before his eyes. The title which he has adopted, necessarily requires such a finish; else the comparison of a naked front, with the beautiful introductory chapter of Blackstone's Commentaries on the Law of England, would be too much to the disadvantage of our author's work. Besides, the world will be desirous to know, otherwise than by a series of details, what American law is in its *ensemble*; what are its most prominent features; in what it chiefly differs from, or agrees with the system from which it originally sprung; what parts of it have been most improved, and what chasms remain yet to be filled; what is likely to be the effect of the increasing divergence of the general system in twenty different states, and what are the best means to remedy it, and produce a desirable uniformity; whether a strict adherence to ancient precedents, or a more enlarged view of principles, will be the best means of attaining that object? All these, and many other important topics, offer themselves to the consideration of an American jurist, and might form the subject of a most interesting introductory chapter to a course of lectures on American law. As Professor Kent is known to possess the requisite talents for the composition of such a chapter, the profession has a right to, and will expect it from him. We must hope, that it will adorn a second edition of his valuable work.

Our author begins his course of legal instruction, with nine lectures on different subjects of the law of nations. It is a principle long since settled, that the law of nations is a part of our municipal law.\* But what is to be understood by this general expression, *the law of nations*, and to what subjects its dominion extends, is a question that has not yet been sufficiently examined. By *jus gentium*, the ancient Romans understood all those social institutions and principles of right and wrong, in which mankind were universally agreed. It differed from the law of nature; because mankind too often agree in things that are not just in themselves. Thus *slavery*, was said to be a condition of the human species, established by the *law of nations*, in opposition to the dictates of *natural law*.† The definition of the law of nations at that time, was "*jus quo omnes gentes utuntur*."‡ Thus the greatest number of the contracts in use amongst men, as bargain and sale; loan, hire, deposit, partnership, and, (the text says) innumerable others, were considered as

\* *Respublica v. De Longchamps*, 1 Dallas, 114.

† *Servitus autem est constitutio juris gentium, quâ quis dominio alieno contra naturam subicitur.* Inst. 1. 3. 2.

‡ Inst. 1. 2. 1.



under the sanction of the law of nations.\* The law of peace and war, which is now generally understood by the term *law of nations*, was called *jus feciale*. The law of nature had not been incorporated into it, as it has been in later times. Indeed, in those days, it was very much doubted whether there was such a thing as natural law. Nature, it was said, had established no distinction between right and wrong; she could not discriminate between the one and the other.

Nec natura potest justo secernere iniquum.

*Horat. Satyr. Lib. 1. v. 113.*

Cicero thought otherwise; he thought there were principles of natural justice, to which every government was bound to adhere.† See his admirable treatise *De Officiis*, in which those principles are elegantly developed. Except that book, the ancients have left us no work which we know of, that can be said to treat of the law of nations, as it is now understood; yet, this law, as it at present exists, is almost entirely extracted from the books of Roman jurisprudence; because the Roman jurists investigated the genuine principles of the law of nature, and having succeeded in analyzing and explaining them in a lucid manner, embodied them into their code, which we call the *civil law*, and those principles, applied to the interests of states, form the great body of the modern law of nations. Let us hear what our author says on this subject:

“The introduction and study of the civil law, must also have contributed largely to more correct and liberal views of the rights and duties of nations. It was impossible that such a refined and wise system of municipal and ethical jurisprudence as the Roman law, could have been taught in universities and schools, and illustrated by a succession of eminent civilians, who were worthy of being associated with the Roman sages, without at the same time producing a great effect upon the public mind. The very existence of such a grand monument of the embodied wisdom of the ancients, when once it became to be known and examined, must have shed a broad stream of light upon the feudal institutions, and the public councils of the European nations. We accordingly find that the rules of the civil law came to be applied to the government of national rights, and they have contributed very materially

\* Jure gentium omnes penè contractus introducti sunt; ut emptio et venditio, locatio et conductio, societas, depositum, mutuum, et alii innumerabiles. 1 Inst. 1. 2. 2.

† Hoc verissimum (est,) sine justitiâ respublica regi non posse. De Republicâ, l. 2.

Est igitur hæc, judices, non scripta, sed nata lex: quam non didicimus, accepimus, legimus; verum ex naturâ ipsâ arripuimus, hausimus, expressimus; ad quam non docti, sed facti; non instituti, sed imbuti sumus. *Pro Milone*, iv.

to the erection of the modern international law of Europe. From the thirteenth to the sixteenth century, all controversies between nations were adjudged by the rules of the civil law." (page 11.)

This is a correct view of the matter. Those who have read the treatise of Grotius, *De Jure Belli ac Pacis*, and Puffendorff's book on the Law of Nature and Nations, with the learned Barbeyrac's commentaries, cannot but have perceived that all the rules and principles laid down in those works, are supported by texts extracted from the body of the civil law. It follows from thence, as a necessary consequence, that the *ethical* part, at least, of the Roman law, is parcel of our system of jurisprudence, as being the source and the foundation of the law of nations, which chief justice M'Kean has declared to be a part of our municipal law.\* Moreover, as our author elsewhere truly observes, "in the new states of Spanish America, in the province of Lower Canada, and in one of these states, (Louisiana), it constitutes the principal basis of their common law." "It exerts a considerable influence upon our own municipal law, and particularly on those branches of it which are of equity and admiralty jurisdiction, or fall within the cognizance of the surrogate or consistorial courts." (Page 483.) To which it may be added, that the numerous amendments of our system that have taken place in the different states since the first colonization of this country, have approximated it to the civil law in a much greater degree than may be imagined, because those amendments have been in general dictated by that plain reason and common natural sense, which is the basis of the Roman decisions. Thus the abolition of the right of primogeniture, and the equal partition of intestates' estates; the conversion of joint tenancies into tenancies in common; our mode of instrumental proof and recording of deeds; our process of *scire facias* upon mortgages; our Pennsylvania custom of *emblems*, which allows every man to reap where he has sown; our various extensions of the law of *liens*; our liability of real property to the debts of the owner; our abolition of the scrambling system of England for simple contract debts due by deceased persons, and making them payable, *pari passu*; our form of *holographic* will, that is to say, a will written entirely in the hand of the testator, by which real, as well as personal property may be devised; our law abolishing the right which an executor had at the common law to all the personal property not disposed of by the will: these and many other alterations which have taken place in our system, particularly in Penn-

\* 1 Dallas, *ubi supra*.

sylvania, are but so many approximations to the law of the Romans. Even the *oath of calumny*, which has been so long an object of derision among common lawyers, has found its way into our practice. For what are our *affidavits of defence*, or of *merits*, as they are called in some states; the affidavit to ground a libel for a divorce, and that which is required of the appellant from an award of arbitrators, "that he does not appeal for the sake of delay, but merely because he verily believes that injustice has been done to him;" what are these, we say, but the *sacramentum calumniæ*? We ought to add, that this *oath of calumny*, while we find it introduced into our country, has long been excluded from practice by most of the states of Europe where the civil law prevails; for this we can find but one reason, which is, that it is only suited to a country where great respect is paid to the sanctity of an oath, as was the case among the Romans, (while Rome was a republic), and is certainly the case among us, where the religious feeling, (though we have no established church), is admitted to have greater force than any where else. Thus a similarity of circumstances will produce a similarity of laws.

We have said thus much merely to show the importance of the study of the civil law, as auxiliary to our excellent system, and as a means of bringing it to a still greater degree of perfection. As a foundation, the common law is the best that could be chosen; and fortunately, it is already strongly and firmly established among us; but to give a finish to the Corinthian superstructure, the writings of the Roman sages must be attentively studied. In this we entirely agree with our learned author, who has devoted a short but highly interesting chapter to the subject of the civil law, in which he ably vindicates it from the vulgar charge of its being a system of tyranny and despotism. "It was," he justly admits, "an indelible and foul blot on the character of the civil law, as digested under Justinian, that it expressly avowed and inculcated the doctrine of the absolute power of the emperor, and that all the right and power of the Roman people were transferred to him. *This had not been until then the language of the Roman laws*; and Gravina, with much indignation, charges the introduction of the *lex regia* to the fraud and servility of Tribonian." (Pages 504, 505.) This is so true, that by the side of the abominable maxim, *Quod Principi placuit, legis habet vigorem*, we find disseminated through the *Corpus Juris Civilis*, compiled from the writings of the older Roman lawyers, almost all the liberal principles of our own constitutions and laws. We find there

that all men are born equal;\* that liberty is a thing beyond all price;† that the *will of the people* only gives validity to laws, or, in other words, that the people is sovereign;‡ that a man's house is his castle;§ that an accused party ought not to be imprisoned until he is convicted;|| that excessive fines should not be imposed;¶ and many other maxims founded on analogous principles: we even find a remedy in nature, and perhaps in the identical form of our writ of *habeas corpus*,\*\* to cause a person illegally detained to be brought before a competent magistrate, who was to decide on the legality of his detention. These principles all took their rise in the ancient republican law, to which the Roman lawyers adhered after the republic had ceased to exist, and which Justinian suffered to be incorporated into his codes, either inadvertently, or because he was well aware of the inefficiency of abstract principles against his unlimited power. We need not be astonished at this, when we consider how much it cost the English nation to maintain their liberties against the *limited* prerogative of their sovereigns.

The civil law, therefore, like the common law of England in the time of the Stuarts, exhibits a mixture of the principles of ancient freedom with the assumptions of ever-encroaching prerogative. Some parts of the system, indeed, assumed a new character from being touched by imperial hands. The criminal law, which, under the republic, was administered by a mode of proceeding analogous to our trial by jury, was now committed to a single judge, with an appeal to a superior tribunal, and inquisitorial modes of examination were introduced into

\* Quod ad jus naturale attinet, omnes homines æquales sunt. Dig. 32. 17.

† Libertas inestimabilis res est. Ibid. l. 106.

‡ Cum ipsæ leges nullâ aliâ ex causâ nos teneant, quam quod *judicio populi* receptæ sunt, meritò et ea, quæ sine nullo scripto *populus probavit*, tenebunt omnes: nam quod interest *suffragio* populus *voluntatem suam* declaret, an rebus ipsis et factis? Ibid. 1. 3. 32.

§ De domo suâ nemo extrahi debet. Ibid. 2. 4. 21.

|| Nullus in carcerem, priusquam vincatur, omninò vincitur. Cod. 9. 3. 2.

¶ In condemnatione personarum quæ in id quod facere possunt damnantur, non totum quod habent extorquendum est, sed et ipsorum ratio habenda est ne egeant. Dig. 50. 17. 173.

\*\* The title of this law sufficiently explains its object, "De liberis (hominibus) exhibendis, item ducendis." Of exhibiting, nay of bringing in the bodies of freemen. It provides for the producing before the magistrate the body of a person who is detained by another against his will. It is the thirtieth title of the forty-third book of the Digests. Under a despotic emperor, this law might, indeed, be evaded, as it was in England before the statute of Charles II. but *tyranno amolo*, it would have operated like our habeas corpus act, in the spirit of which it was framed.



that branch of legislation. The torture, which formerly was only inflicted upon slaves, was made a means of extorting a confession from freemen. Under a succession of tyrants, the Romans had become accustomed to cruel punishments; these were not mitigated by the new codes. The criminal law, therefore, of imperial Rome, though some humane maxims are here and there found in it, is not a study that we would recommend to American jurists, except as a mere matter of curiosity. Nor have we any thing to do with what may be called their *positive law*, their ordinances, and prohibitions, or the organization of their system of government, and of their domestic and social relations. These every nation is at liberty to settle and order as it pleases, and are no parts of the science of jurisprudence, except in the country where they exist. But the admirable maxims and rules of right and wrong in the ordinary transactions of men, collected by Tribonian from the writings of Papinian, Ulpian, Paulus, Gaius, and other eminent Roman jurists, which are spread through the digests, and the wisdom of which has never been surpassed, are what we think that we cannot too strongly recommend to the attention of the legal profession in these United States.

The sovereigns of Europe, therefore, did wisely in making those rules and maxims the basis of the modern system of international law. The question again recurs, what is this law, and to what objects does it extend? We have seen what was understood in ancient Rome by *jus gentium*; at present, a very different meaning is affixed to the term *law of nations*. In its most generally received sense, it is "a rule of conduct for independent sovereigns and states in their relations with each other." So Grotius understood it, and therefore entitled his great work *The Law of Peace and War*. He did not write so much for lawyers as for princes; for at that day, questions of this nature did not frequently come before judicial tribunals. The increase of commerce, and the consequent aggressions of belligerents upon neutrals; the multiplication of inferior diplomatic characters, and of consuls, vice-consuls, and agents of various descriptions, have gradually brought into courts of justice, questions which otherwise would probably have been decided at the cannon's mouth. To this nothing contributed more than the wars of the French Revolution, when the spirit of piracy being abroad under the name of belligerent capture, the sovereigns of Europe were desirous to colour their excesses under a show of legal forms. The United States were the first who undertook the vindication of their neutral rights by means of their own tribunals, in suits for the restitution of prizes ille-

gally taken by one belligerent from the other, either in their waters, or by vessels equipped or armed within their territory. The result of all this has strongly verified the ancient Roman adage, *Cedant arma togæ*.

But the law of nations is susceptible of still greater extension. Lord Mansfield went so far as to include within it the whole law of maritime contracts. "The maritime law," says he, "is not the law of a particular country; but the GENERAL LAW OF NATIONS." Then he quotes the famous passage of Cicero in the third book, *De Republicâ, Non erit lex alia Romæ, alia Athenis, &c.\**

Other writers, besides himself, have expressed the same sentiment.† But, though uniformity in these matters among all commercial nations, be highly desirable, we think it is going rather too far to include the law of merchants in what is properly called the *jus gentium*, unless we mean it in the sense of the ancient Romans, which we have noticed above. But there is another branch of jurisprudence, which until lately has been but little attended to in England and in this country, which we think deserves to be considered as an essential part of *international law*. We mean that which is called by the civilians *conflictus legum*, and by the French jurists *la jurisprudence des statuts*, the word *statute* being here specifically applied to foreign laws and ordinances. This branch of the law of nations, (for so we must consider it) is of immense variety and extent. It embraces all the rights and duties of aliens out of their own country, whether as residents or sojourners; naturalization and its effects; foreign laws, foreign contracts, foreign judgments, marriage, divorce, guardianships, wills, intestacies, prescriptions and limitations; in some cases evidence and modes of proof; liens acquired abroad; interest of money; domicile; the competency of foreign and domestic tribunals, in cases of a mixed or doubtful nature; foreign bankruptcies, insolvencies, and a great number of analogous subjects, the aggregate of which we would call, for want of a better name, the *minor* or the *social*, as distinguished from the *political* law of nations. This science has been much cultivated in Germany and France; in the former country, from the circumstance of the Germanic body being composed of a considerable number of great and little states and sovereignties, all having intimate relations with each other; and in the latter, because of the great variety of laws and customs which governed her different provinces, until the promulgation of the Napoleon code. In England and in the

\* 2 Bur. 887. *Luke et al. v. Lyde*.

† 4 Blackst. Comm. 67,—1 Emerigon, 21.

United States, a great number of questions of this description have been decided in the judicial tribunals, since the period of our revolution, and we have no doubt that a complete digest of those adjudications, would fill a handsome octavo volume, and form an interesting title in our American jurisprudence.

The situation of this country is very similar to that of Germany and France, before the late changes took place. We have now twenty-four different states, all governed by their own laws; and the probability is, that more will ere long be added to the number. The federal constitution has made but slight provision for the settlement of international questions between the states. The first section of the fourth article, only provides that "full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state; and the congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof."

This provision, if liberally construed, and executed according to its plain intent and meaning, independent of all common law niceties, would be productive of the greatest benefit to the people of the United States; but we are afraid that the technical difficulties that are in the way, will be thought insurmountable. For instance, there is nothing more desirable than an uniform mode of acknowledging and proving deeds, so that they might be admitted to record in all the states. This would be an immense convenience to the citizens; but let us see what obstacles feudal niceties have put in the way of it.

The law of nations, which has been in many cases recognised in England and in this country, as applicable to personal property,\* has established a distinction between the internal and *external* form of instruments of writing. By the *internal* form is meant the technical language in which the instrument is drawn up, and the covenants, and clauses, of which it consists. Thus by the law of France, a will is declared void, unless it is expressly said therein, that it was *twice read* to the testator before signing. By the law of England, the word *heirs* in a conveyance, is indispensably required to pass a fee simple. These are what are called *internal* forms, as relating to the substantial validity of the instrument, and the effect of the words that it contains. But when in Pennsylvania, the law requires a deed, in order to make it valid, to be sealed and delivered by the party, and afterwards acknowledged or proved in a certain form, before a judge or justice of the peace; while in Louisiana

\* *Desesbats v. Berquier*, 1 Binney, 336, and the cases there cited.



it is sufficient that it be signed before a notary public and two witnesses; these formalities are called *external*, as being only the evidence of the fact that such an instrument is the act of the parties therein named. The law of nations has established that the internal form of the instrument must be according to the law which governs the subject-matter of the contract or will, which, as to personal property, is the law of the domicile of the owner, and as to real estate, the *lex loci rei sitæ*, according to the well known maxim, *mobilia personam sequuntur, immobilia situm*. But, at the same time, it declares that it is sufficient that the external form be conformable to the law of the place where the deed is made. Upon this principle, a conveyance of lands in Louisiana, executed at Philadelphia, under the party's hand and seal, and proved or acknowledged before a competent magistrate according to our law, will be held valid at New-Orleans, although it be not *passed*, as they call it, before a notary public and two witnesses, according to the law there established; because in that state, the general principle of the law of nations is received and respected.

In the other states, however, it is otherwise, in consequence of niceties which had their origin in the feudal system. When the transfer of lands by deed of bargain and sale enrolled, was substituted for the ancient mode of livery of seisin, no difference was made between the form and the substance of the instrument; the statute of Henry VIII. on the contrary, declared that the freehold should not *pass*, unless the deed was enrolled within six months. Hence it is held that not only the will of the party legally expressed in the contents of the instrument, but also the formalities established to constitute legal proof of that will, and guard the interests of third persons, are essential to *pass* the estate. As aliens in England cannot hold lands, there was no inconvenience attached to this construction; but this cannot be said to be the case in a country, in which there are twenty-four independent states, in several respects *aliens* to each other. For every state has reserved to itself the absolute dominion over its own *soil*, and the exclusive right of directing how it is to be transferred from one individual to another. And of this right they are so jealous, that it is very doubtful whether a liberal construction of the section of the constitution which has been above cited, would be tolerated at this day; although it is easy to foresee, that necessity, which has produced greater wonders, will sooner or later compel us to adopt some mode to facilitate to our citizens the transfer of their lands lying in other states than those in which they reside. All that is wanted, is an easy and uniform mode of au-



thenticating deeds, so as to enable them to be recorded in all the states; let this come from what quarter it may, it will prove a very great convenience to the citizens and benefit to the country. The most feasible substitute for it which we can think of, is, that each state should pass a law declaring that all deeds executed out of the state, but within the United States, being proved or authenticated according to the form required by the law of the state where executed, should be admitted to record in the same manner and with the same effect, as if proved or authenticated in the manner required by the law of the state where the instrument is to have its operation. A proviso might be added, requiring that the attesting officer should state that he is by law authorized to take the proof and acknowledgment of deeds, and that the genuineness of his signature as such should be further certified under the seal of a county or superior court, or the great seal of the state. Whether, under our constitution, congress are or are not empowered to pass such a law, is a question that we will not undertake to decide.

This, and many other similar inconveniences and difficulties which might be pointed out, show at least the importance of our *jus minor gentium*. The common law is neither competent nor adequate to the decision of every question of this kind; and as we have for more than fifty years assumed a respectable station among the nations of the earth, it is right that we should more particularly inquire into the rules which govern their social intercourse with each other; which rules, if they be not paramount to our local law, at least are proper to be referred to where that law is silent or defective. To this day, even the effect of a discharge under our insolvent law is not settled among the states, some allowing and others refusing it; while others, among which we regret to find Pennsylvania, have adopted the rule of reciprocity, thus making a matter of *state pride*, out of a mere question of law. Congress do not appear disposed to interfere in these matters, and the social article of the constitution, to which we have already referred, remains to this day almost a dead letter. The few acts that have been passed in pursuance of it, have not been productive of much beneficial effect. They leave the subject pretty much where it stood before.

Our author has treated of the law of nations in its most generally received sense. War, peace, neutrality, maritime captures, the rights and immunities of ambassadors and consuls, truces, passports, treaties, and offences against the law of nations, form the subjects of the lectures which he has devoted to that topic; except the first, which contains an interesting historical account of the rise and progress of the *jus gentium*.

He has contrived to condense much valuable matter in a little space, which will be found of very great benefit to the student. On the great questions between belligerents and neutrals, his opinion appears to be more in favour of belligerent principles than we would be willing to concede to him. We are decided friends to neutral rights, and we are fully of opinion with Mr. chief justice Marshall, that "it is the policy of this country to extend, not to impair them."\* When we consider within what a narrow space these rights have been confined by the multitude of decisions that have taken place during the late wars, in which might has been felt and right forgotten, in a manner 'till then unexampled, we are impressed with a feeling so painful, that we rather wish to avoid than to touch upon this abstruse and delicate subject.

Yet, our author has ventured to express a sentiment, which, notwithstanding the high respect we feel for his eminent talents, and the pure and virtuous character which has distinguished him through life, our duty as reviewers obliges us to notice with marks of decided disapprobation. Speaking of the too famous British principle, called the rule of 1756, after observing that the chief justice of the United States, in the case of the *Commercen*, (1 Wheaton, 396,) had purposely avoided expressing any opinion on its correctness, he continues as follows: "It is very possible, that if the United States should hereafter attain that elevation of *maritime power and influence*, which their rapid growth and great resources seem to indicate, and which shall prove sufficient to render it expedient for her maritime enemy to open all her domestic trade to enterprising neutrals, we might be induced to feel more sensibly than we have hitherto done, the weight of the arguments of the foreign jurists in favour of the *policy, if not of the equity of the rule.*" (Page 80.)

We humbly conceive that a sentiment like this ought never to have found its way into a work dedicated to the science of jurisprudence. Such does not appear to us to be the morality of the law, nor that which is fit to be instilled into the minds of the youth of our country. Far different is the task of a jurist from that of a statesman or politician; but even considering this subject in a political point of view, we are of opinion with Cicero, that no commonwealth can maintain itself but by a strict adherence to the dictates of justice; and without recurring to the example of the Athenians, who, without farther inquiry, rejected the measure proposed by Themistocles, because it was

\* The Nereide, 9 Cranch, 394.

unjust, though they knew that it would have raised them to the undisputed supremacy over all the states of Greece,\* we will content ourselves with adducing that of our own government, who, by undeviatingly following Cicero's maxim, have raised this country to the high degree of happiness and prosperity which it now does, and may, we trust, long continue to enjoy. We hope the time will never come, when *expediency* shall be considered by the law of the United States as the criterion of right and wrong.

The limited space allotted to this review, compels us to pass over this first part of Professor Kent's work, more rapidly than we would otherwise have done, particularly as there is a great deal in it, on which we should have had not criticism, but commendation to bestow; but we must take leave of the law of nations, and proceed to the second part of this learned treatise, which consists entirely of genuine and unmixed American law. We feel refreshed when we pass from scenes of war, capture, and confiscation, where force too often usurps the name and the place of right, to the verdant fields of our own peaceful and happy country; our hearts and our minds expand, while engaged in contemplating the interesting view which the author exhibits of the master builders of a mighty empire, at their work in raising and consolidating a fabric which appears destined to last, strong and unimpaired, through a long succession of ages.

In the city of Washington there exists a power, visible only two or three months in the year; a power without arms, without soldiers, without treasure; whose only weapon is the moral force of reason and truth, and yet to whose decisions the whole country submissively bows. This power is the venerable Bench of the Supreme Court of the United States. Round them are a band of torch bearers, whose constant employment is to diffuse light through the sanctuary, whence the oracles proceed; these are the American Bar. By their joint labours the mighty edifice of our constitution and laws is sustained; twenty-four free and independent states are made to move in their respective orbits, and every eccentric deviation is instantly checked. No country on earth presents such a spectacle. While this moral power exists, civil wars are not to be dreaded; and it can no longer exist than while it continues to be the unsullied organ of truth, reason, and justice. Truth and reason alone can oppose it with success. So long as it continues in strict alliance with these, it needs not fear any enemy.

\* Plutarch in Aristid.

The decisions of this high and enlightened tribunal on the various important questions that have arisen since the adoption of the federal constitution, on the construction of that instrument and the numerous laws that have been enacted in pursuance of it, have supplied the principal part of the materials of ten lectures (IX. to XIX.) into which the second part of this work is divided. No subject can be more interesting to an American jurist. The first of these lectures consists of a well written and interesting history of the American Union, and the remainder of a clear and elegant exposition of our constitutional law as it now stands. In this our author has been preceded, and no doubt aided by the works of two gentlemen of Philadelphia, Mr. Sergeant and Mr. Rawle; the former has published a valuable digest of the decisions of the federal and state courts on the law which has proceeded from the establishment of our present form of general government,\* and the latter a more elaborate and expanded view of the constitution of the United States.† Both these works have considerable merit, but do not detract from that which we have now before us, where the matter is more condensed, and is considered not exclusively by itself, but as a part of the general system of American jurisprudence. Our author, obliged to confine himself within a limited space, has done his subject full justice. He has wisely kept himself within the bounds marked out by judicial or legislative authority; the only course suited to the end which he had in view.

While we approve the course which professor Kent has pursued when addressing law students, we cannot help regretting that his duty restricted him to such narrow limits. Conversant as he is with the principles of general jurisprudence, (of which every one may be convinced who has attended to his judicial decisions,) no one better than himself could have applied those principles to the various undecided questions which daily arise under the constitution of this country. The common law (as we have already observed) is neither competent nor adequate to the solution of a very great number of those interesting problems, some of which have for years agitated the country, and will probably continue to do so, unless principles are pointed out by which all interests may be reconciled. Let us take, for

\* *Constitutional Law*; being a Collection of Points arising upon the Constitution and Jurisprudence of the United States, which have been settled by Decision and Practice. By Thomas Sergeant, Esq. Philadelphia: Small, 1822. 1 vol. 8vo.

† *A View of the Constitution of the United States*. By William Rawle. Philadelphia: Carey & Lea, 1825. 1 vol. 8vo.



instance, that of the bankrupt law, again rejected by the senate at the present session of congress; and about which it would seem as if the nation could never agree. Yet nothing is more certain than that such a law is absolutely wanted, not only for the interest, but for the honour of our country. It cannot have been forgotten, that when the clause authorizing congress to make such a law was, with some other analogous provisions, introduced into the federal constitution, it was a pledge given to the nations of Europe, who loudly complained of the legislation of some of the states, in the shape of tender and pine barren laws, and other statutes of a similar kind, by which our national credit was almost entirely annihilated. This sacred pledge has not yet been redeemed! We are told of eastern, western, and southern, of agricultural, commercial, and manufacturing interests, some of which must be sacrificed, in whatever manner congress may exercise the authority committed to them. And is the fact really so? Is there absolutely no mode of reconciling all those apparently conflicting, but in fact allied interests? We are far from being of that opinion. We think that they may yet be reconciled, provided we agree on the true nature and principles of a bankrupt law, and the form which it is to take in order to suit the peculiar circumstances of this country.

But where shall we find the solution of this important question? Not surely in the common law, to which even the words *bankrupt* and *bankruptcy* are entirely unknown. Not in the statute law of England, which differs from the systems of all the world besides; which originated at a time when there was but little commerce in England; which was based on a false principle, that of the criminality of the bankrupt; which knows of no medium or gradation to suit its action to the various circumstances of each particular case, but in all cases and without any discrimination, has no means of relief, except taking *all* the property of the debtor, and discharging him at once from *all* his debts; a law which, besides, is overloaded with so much machinery and so many unnecessary instruments, and is so expensive withal, that it has been loudly complained of even in England, so that during the present reign, not less than two long statutes have been made to amend it, partly by borrowing from the jurisprudence of other nations, and tacking to it a principle excellent in itself, yet little in harmony with the general system. It cannot be that law, which has never been in force in this country while colonial, and has always failed in the states, when attempted to be introduced. Where then shall we look for the true and genuine principles of a bankrupt law,

and those which best suit the situation of this country? No where but in reason, common sense, and the sound rules of general jurisprudence. We regret that we have not room to develop our ideas on this subject; we will, therefore, content ourselves with submitting a few principles. Every thing having been tried for a succession of years, to obtain for the commercial states a bankrupt law founded on the English system, and it appearing beyond a doubt, that this system is in real or fancied collision with various interests, which ought not to be overlooked; nothing remains but to propose the adoption of some other, more congenial to the habits and feelings of the country, and by which such collision may be avoided. With this view, we enter upon a brief examination of the subject.

The power given to congress by the eighth section of the first article of the constitution is in these words:

"To establish uniform laws on the subject of bankruptcies throughout the United States."

Bankruptcies, then, are the subject-matter on which congress are authorized to legislate; of course, we are first to inquire into the meaning of the word *bankruptcy*.

Keeping out of view all the technicalities of the English law, which surely the convention could not have had in view when they granted this power, as they could not mean to entail upon us the fluctuating provisions of a variable foreign system, and taking it in the most general sense in which it is understood throughout all civilized Europe, we would define it to mean "the declared insolvency of a merchant or trader." We have not been a little astonished at the attempts that have been made in congress to extend its application to all the classes of society. The wisdom of the senate has hitherto resisted this enormous encroachment on the powers reserved to the states, and we sincerely hope that the other house will follow their example. The word "bankruptcy" itself, from its well known etymology, shows that it is only applicable to merchants;\* and we believe there is not a country in or out of Europe, in which the operation of the bankrupt laws is not restricted to that class of men, including some analogous classes, which depends on the situation of the different countries. But agriculturists, lawyers, physicians, tradesmen and artificers are every where excluded. In some countries, brokers are excluded likewise, in order to

\* The word *banco* in Italian, means a merchant's compting house, whence our words *bank* and *banker*. *Banco rotto*, a compting house broken up. The first bankrupt law, it is said, was made at Venice. Italy was the cradle of mercantile jurisprudence.

discourage them from trading on their own account, by which they might be induced to deceive their employers.

The convention, therefore, must be presumed to have understood the word *bankruptcy*, in the sense which it had at the time obtained throughout the commercial world, and as it was so understood also in England and in this country, it is impossible to suppose that they can have affixed to it another meaning.

In other countries than England, this is not considered hard on the excluded classes, because they are in general exempted from *imprisonment for debt*, to which those only are liable who are subject to the law of bankruptcy. This mode of process is properly kept in force against merchants, who may always prevent an arrest, by applying for the benefit of the bankrupt law; and if they will not do it, they are justly punished for their obstinacy, if not their fraud. Having thus defined the meaning of the word *bankruptcy*, we will briefly proceed to state what we consider to be the true principles of a sound legislation on the subject.

The civilians have very properly assimilated bankruptcy to *shipwreck*. When a vessel is assailed at sea by a tempest, the captain and crew, and those of the owners of the cargo who are present, deliberate; and a majority of them determine, what masts or yards shall be cut off, and what goods shall be thrown overboard, for the safety of the remainder. In like manner, the creditors of a bankrupt having their property embarked on the same bottom, this is one of the cases in which necessity requires that the votes of the majority should bind the whole. Municipal laws may fix what that majority shall be, in number or value, or both. But the principle remains the same. The bankrupt also, has an interest opposed to that of his creditors; and therefore, nothing can be done without his consent. If he should refuse, he ought to be left to the operation of the general law, and receive no relief from an insolvent act. Compulsive measures may also be adopted in particular cases. But, in general, the benefit of the bankrupt law, should be obtained on the application of the debtor. This mode of proceeding is founded on the two principles of the *composition system*, and of *voluntary bankruptcy*, the first of which generally prevails in the laws of continental Europe. This principle has been introduced in the two acts that have been passed in England, since the accession of George IV. But it is placed there in a kind of incidental and supplementary manner, whereas it ought to form the basis of the whole system. It formed in the same manner a part of the bankrupt bill, which was lately before congress, with the addition of the important

principle of *voluntary bankruptcy*, which the wisdom of the framers had introduced, no doubt because they felt that it was accordant with the feelings of the people. These two principles appear to us, to be the true bases of a bankrupt system suited to our situation, and consonant with the public feeling.

In this country, nothing is more required than simplicity in the laws, and no machinery but what cannot absolutely be dispensed with. It was well observed in the senate by Mr. Tazewell,\* that if the proposed bankrupt law should be extended to all the classes of society, it would fill the land with officers depending on the federal government. It would have in a great degree the same effect, though restricted to merchants, unless the system should be greatly simplified. This can only be done, by taking as a basis, *voluntary bankruptcy* and the *composition system*. They are both peculiarly suited to our circumstances. The composition system might indeed be called emphatically, American, for every body knows that no honest debtor will in this country find a majority of his creditors deaf to the voice of misfortune, and unwilling to grant him a reasonable composition. It has this advantage over the levelling principle of the English bankrupt law, that it accommodates itself to every case and every circumstance, and that a respectable merchant who has only been unfortunate, may by agreement with his creditors, still remain at the head of his affairs, and not be turned out upon the wide world, and see his property wasted by assignees who have little or no interest in the management of it. The voluntary system is in the spirit of all our insolvent laws, and this circumstance alone, points it out as the most eligible. Compulsive methods may be provided for cases of flight, absconding, and all others in which compulsion is absolutely required.

On these principles, all that legislation would have to do, would be to define what is to be understood by merchants and traders, to fix the majority of creditors in number and value requisite to bind the minority by their composition with the debtor, to provide against frauds, particularly those of fictitious creditors, the most common and the most to be guarded against in such cases; to enact compulsive measures against the debtor, when the case should require it, and to designate tribunals, to confirm or reject the compositions made between him and his creditors as they should appear to be fair or fraudulent, and to hear and decide on all incidental questions. Imprisonment for debt by process issuing out of the courts of the United

\* Supplement to the National Intelligencer, February 3d, 1837.



States might then be abolished as to all the classes, or rather, as to all debts and contracts not included within the purview of the bankrupt act, which the states, by their own legislatures, would probably extend to process issuing from their own courts.

In these matters it would seem expedient that the state courts should have a concurrent jurisdiction with those of the United States; except, perhaps, when the aggregate of the debts of the bankrupt should exceed a certain sum. Then the jurisdiction of the latter might, we think, be exclusive. Our constitution is a government of *auxiliary powers*; the execution of the laws of the United States by state tribunals is a strong *federal* feature, which, as long as it is maintained, will preserve us from the so much dreaded *consolidation*, which must inevitably take place, or a separation, which would be much worse, if by the refusal of the state courts to entertain jurisdiction of cases arising under the laws of the Union, congress should be reduced to the necessity of sending forth their officers over the whole surface of the country. We do not foresee that any such thing is likely to happen; but the difficulties that have arisen in certain cases, and which our author notices in his eighteenth lecture, make it our duty to put the states on their guard against too much nicety, when such questions shall again arise, and rather to seek to reconcile than to divide.

We are inclined to think that the system of a bankrupt law that we have thus cursorily explained, without giving it the development of which it is susceptible, and which it would, indeed, require, would be agreeable to all classes, and reconcile all interests. It is mild in its nature, as our laws in general are; its severity might hereafter be increased, if experience should show it to be requisite. But in the beginning, it seems to us that mild measures ought to be preferred. The practice, however, which at present prevails, of making assignments of the debtor's property to trustees chosen by himself, should, of course, be entirely done away. But this is matter of detail, which does not come within the scope of these observations: upon the whole, we think, that our system, simple and mild as it is, could not but be satisfactory to the mercantile class. As to the other classes, it is to be presumed that they would be satisfied with the abolition of imprisonment for debt, which could then be productive of no inconvenience. The principal difficulty would be its operation in those states where lands are not liable by law for the payment of debts, because it would be giving a great advantage to the landholder, who is not subject to the law of bankruptcy. But the wisdom of those states would

probably provide a remedy; as their citizens, after all, would be the greatest sufferers. It is impossible to suggest a system that will not be liable to some inconveniences, in the usual course of human affairs; that which presents the least, must be considered as the best. We do not flatter ourselves that the one we have proposed will be adopted, because mankind love to tread in the roads with which they are best acquainted, from reading or from practice; but truth is a plant, though of slow, yet of sure growth, and some of the ideas which we have suggested, may, perhaps, at a future day, produce wholesome fruits. He who would have proposed in England, twenty years ago, the adoption of the composition principle, would have been treated as a foolish innovator; and yet we have lived to see it incorporated with their bankrupt acts; it is now a part of their general system, and in a fair competition with the other parts, will probably acquire a deserved superiority. As to *voluntary bankruptcy*, it has always been in fact, though not in form, in common practice in England; for it is well known that the greatest number of bankrupt commissions, are obtained by the connivance of the creditor with the debtor. Why should not that be allowed to be done avowedly, which is constantly practised in a secret and collusive manner, what no sound legislation should authorize?

We are drawing close upon the verge of our limits; we must, therefore, speedily take leave of our readers: there are, however, many things in this part of our author's work, which we would have dwelt upon with pleasure; particularly his sentiments on the common law, considered as the law of the United States, and on the prevailing mania of codification, in all of which we heartily concur. We purposed to consider the latter subject somewhat at large, but we are now compelled to confine ourselves to a few observations upon it.

The success of the Napoleon code has set all Europe codifying. In Italy, Germany, Russia, Switzerland and the Netherlands, the code makers are at work, and some of the results of their labours have appeared in *projets* or detached parts, and are the subjects of more or less enlightened criticism. England has caught the *rabies*, and her writers, at the head of whom is the celebrated Jeremy Bentham, are exercising their pens on the subject of this mode of legislation. Some of them confine themselves to codifying the statute law, beginning with Magna Charta and the bill of rights. Among these is Mr. Uniacke, (late judge of the vice admiralty court of Nova Scotia,) who has addressed a letter to the lord chancellor of England, in which he considers this project as the easiest thing in the world, and by way of specimen, has ingeniously codified the late bank-

rupt statute.\* But others are not so easily satisfied; they aim at codifying the whole system of English jurisprudence, including the common, civil, maritime, ecclesiastical, and statutory law, and the law of courts of equity, borrowed from all the others, and resembling none. But how is this to be effected? The most superficial view will satisfy every impartial man that the thing is impossible. It would in the first place be necessary to reconcile equity with law, or to place the two different systems in opposition to each other in the same code. This would necessarily lead to the abolition of the one or the other. These and other obvious difficulties have not escaped the observation of the code makers, and therefore, in order to cut the Gordian knot, it has been lately proposed to *abolish* the whole of the existing law of real property, with its tenures, uses, trusts, remainders and all, and substitute for it a system analogous to that of the civil law. This has been seriously proposed by Mr. Humphreys of Lincoln's Inn,† not a novice in jurisprudence; but a barrister of respectable character, and who appears, from the intrinsic evidence of his own work, to be deeply skilled in the rules, principles and practice of the common law. This is one of the wonders of the present age, and what is not less extraordinary, is, that the London Quarterly Review, hitherto the firm supporter of every thing existing, merely because it exists, and generally considered as the echo of the ministry, highly approves of the work, on the ground that "an opinion that the jurisprudence of that kingdom, is in a state which requires a *strong interference* of the legislature, to remedy its *defects and abuses*, and to produce a *new and better administration of justice*, has, for some time, been prevalent in that country, among *all classes* of people."‡

This is a broad admission, and the government are well aware that it is founded on fact. Therefore, we find that they are temporising with the feelings of their people. With this view, they have set on foot a revision of some of their statutes, reducing into one act those that are *in pari materia*, and introducing occasional amendments. Thus, we are informed that their fiscal laws are digesting after this manner, and their late bankrupt act shows us how the plan is carried into execution.

\* A letter to the lord chancellor on the necessity and practicability of forming a code of the laws of England, &c. By Crofton Uniacke, esq., London, (printed,) Boston (reprinted) 1827.

† Observations on the actual state of the English law of real property; with the outlines of a code. By James Humphreys, esq. of Lincoln's Inn, barrister. London, 8vo. 1826.

‡ Quarterly Review, No. 68, September 1826, page 540.



This is a wise measure, and may defer for a while the impending danger. But, unless they amend their laws pretty much as we have done in this country, it is to be feared that the whole system will be overtaken by a sudden storm, and involved in a general ruin.

Here no such danger exists. The common law, as modified by our usages and local statutes, is very different from the same system as it obtains in England. There it has become at last utterly unmanageable, and it is to be feared that the disease will not yield to temporary palliatives. Here we have none of those excrescences which make the law, as it exists in England, so formidable to her citizens. We have successively done away its most objectionable features; and while we persist in our system of slow and gradual amendment, we need not be afraid of the result: but God preserve us from the extreme remedy of general codification! We may, perhaps, before long, see an example on the other side of the Atlantic, that will be sufficient to warn and guard us against the like attempt.

The third part of our author's work, which concludes this volume, consists only of four chapters, and treats of the various sources of the municipal law of the several states, which is composed of statute law and the reports of judicial decisions. The two last chapters are devoted, the one to a review of the different publications on the common law, and the other to a general history of the civil law, which, in some respects, is to be considered as connected with the law of the states, particularly in the courts of equity, and those which have been substituted for the English ecclesiastical tribunals. This part of the volume is short; but, like the rest of the work, is treated with considerable ability. Upon the whole, we cannot but recommend this book to the attention of the profession, and particularly to the students of our jurisprudence. We hope the learned author will soon publish the second volume; and that it will be followed by a third, and even a fourth, if the matter shall require so much. Every thing which may come from the pen of this eminent jurist, will be sure of being favourably received.

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ART. IX.—*The Life of Napoleon Buonaparte*, with a Preliminary View of the French Revolution. By THE AUTHOR OF WAVERLEY.

A PORTION of the printed sheets of this considerable and important work was lately received in this country. They include the *Preliminary View*, and some of the volumes of the Biography. Having obtained permission to read them, and found the Introduction to constitute a substantive performance, capable of being separately treated—so ample, indeed, as to impose this expedient upon us, who wish to do a certain measure of justice to all the author's labours—we have concluded to exercise the liberty, granted at the same time, of laying at once before our readers a summary account of the preliminary sketch. We can indulge the presumption that all the admirers of the Waverley pen—that is, all our republic of letters—will be glad to taste even a modicum of the fresh and large repast, and learn forthwith what they may expect in the whole. It will be our additional task to designate and exemplify the ingredients and tincture of the *Life* itself, when that, the main service, shall be within our reach.

When it was announced that the Shakspeare of novelists had undertaken to write the *Life of Napoleon*, the thunderbolt of war and the Man of Destiny, the world seemed to experience a mixed sensation of surprise, distrust, pleasure, and incredulity. It could hardly be credited that Sir Walter Scott, wonderfully successful and inexhaustible in the production of historical romance, would expatiate in the field of simple and contemporary history; and a strong doubt arose with respect even to the aptitude of his powers and habits for such an enterprise. Many, who had discerned the political drift of some of his novels, and were acquainted with his general reputation as a high tory and an inveterate Briton, supposed that he must, necessarily, be governed by his own opinions and predilections, in the texture and colouring of his narrative; so far, that the French people, their Revolution, and Buonaparte, would be exhibited under the worst aspects and with the darkest shades, which party spirit and national prejudice could bestow. Others held it impossible to believe that his toil would correspond to the extensive and weighty subject; because, to treat it adequately, or in any suitable manner, required more of research, elaboration, and time, than was compatible with the distinct literary engagements which he was said to have contracted, or with the despatch which his altered fortunes might

exact. We may lament, by the way, that this gifted and truly deserving personage has suffered in his estate; and that Scotland, whose annals and reputation he has so greatly contributed to diffuse, exalt, and adorn, has left him to depend on the continued efforts of his miraculous industry and genius, for the reparation of his affairs: yet, we may not feel this regret so much in reference to the greater or less merit of his works; as, in all probability, he belongs to that class of distinguished writers, who are incapable, from custom or nature, of doing better with extended time; who felicitously strike out their tasks, without the power of improving what they thus produce at a heat.

Notwithstanding the apprehensions and misgivings which we have mentioned, the report of this enterprise kindled, on the whole, a grateful and lively expectation, in both the American and British public. None of his votaries had forgotten how admirably he had managed warriors and battles in his novels and poems: all were sure, that, however swiftly or partially he might write, his talent would communicate a peculiar glow and interest, poignancy and originality, to his pages; and it was known that his connexions and renown afforded him access to the highest and best sources of inedited information. Besides, his subject was acknowledged the most extraordinary and eventful of all the tales of real life: no hero, whom his own teeming muse could have created, would have surpassed Napoleon in curious and prodigious individuality of character; in multiplicity and splendour of adventure and exploit; in contrast of situation and fortune; in portentous rise and fall. Within no bounds of verisimilitude or reason, such as a judicious novelist will not overstep, could ingenuity frame a being more fitted to rivet universal attention on his spirit and career; to excite universal wonder by his aims and achievements; to divide the judgments and affections of men; to engage speculative minds in earnest examination of the effects of his example, power, and institutions; to furnish rich and fond themes for politicians and moralists. Nor could a more extensive theatre of action, with more magnificent and decisive strokes of genius, might, and policy,—more sudden, surprising, and broad changes of scene,—be well contrived in fiction, than was presented to the biographer,—himself bearing the “pictur’d urn” of Fancy. It was not France, Italy, Germany, Russia, alone, that were to be brought under his graphic and brilliant pencil; but the oriental regions, in which his imagination chiefly delighted, and on which his descriptive powers had been triumphantly displayed—Egypt and Syria conquered anew, with circum-

stances as picturesque, dazzling, poetical, as those of the Crusades.

In undertaking "a Preliminary View of the French Revolution," the author of *Waverley*, "the mighty magician," unrivalled as he is, among the writers of the day, in devising and delineating scenes and characters of the most pathetic or terrific cast, exposed himself to perilous comparisons in the breasts of such of his readers as had dwelt on the later effusions of EDMUND BURKE. The various *Letters* of that transcendent intelligence, concerning the French Revolution, particularly the four on a Regicide Peace, embrace pictures of its horrors, and developments of its principles and tendencies, which, certainly, are not excelled, perhaps not equalled, in the whole body of prose composition. Language had never been employed with more richness and potency; such glances "into the dark, prolific womb of futurity" were never before thrown by an uninspired mind; neither reflection nor anticipation ever went deeper into human affairs; so much profound instruction on our moral nature and social order, so much analytical, prophetic sagacity, are nowhere else combined, in a like compass, with such intensity of feeling, and force of description.\* Sir Walter's "Preliminary View," occupies two volumes, which consist of nearly seven hundred close pages. He adverts, however, to the seer of the revolution, "who stayed the plague," in only two or three instances, the ensuing being the principal.

"It followed as a matter of course, that the whigs of Britain looked with complacency, the tories with jealousy, upon the progress of the new principles in France; but the latter had an unexpected and powerful auxiliary in the person of Edmund Burke, whose celebrated *Reflections* on the French Revolution had the most striking effect on the public mind, of any work in our time. There was something exaggerated at all times in the character as well as the eloquence of that great man; and upon reading at this distance of time his celebrated composition, it must be confessed that the colours he has used in painting the extravagancies of the revolution, ought to have been softened, by considering the peculiar state of a country, which, long labouring under despotism, is suddenly restored to the possession of unembarrassed license. On the other hand, no political prophet ever viewed futurity with a surer ken. He knew how to detect the secret purpose of the various successive tribes of revolutionists, and saw in the constitution the future republic; in the republic the reign of anarchy; from anarchy he predicted military despotism, and from military

\* See the "Pursuits of Literature" (p. 59. 114. 145. 351,) for a fervid, yet not exaggerated estimate of Burke's powers, aims, and efficiency, as a writer.



despotism, last to be fulfilled, and hardest to be believed, he prophesied the late but secure resurrection of the legitimate monarchy."

We suggest, with all deference, that a much shorter view of the Revolution would have been sufficient, and generally preferable, with regard to our author's main design. It was the *Life of Napoleon* which he professed to trace, and about which, from his pen and resources, the world was most curious and impatient; the more minute and special, yet the less voluminous the work, the better; and it demanded not a copious historical introduction to be competently understood and appreciated. We should have advised separate Annals of the Revolution, to precede the publication of the grand Biography; unity in each design would have conduced to the superior execution and utility of both. However this may be, we ought, perhaps, as general readers, to be well pleased with this part of his labours, whether he really deemed it essential, or adopted it in compliance with the professional notion of his bookseller; since, though he is far from having eclipsed the *one* "who saw the Apocalypse," and was the Michael Angelo of writers, he has made a vigorous and racy, if not "eternal," draught of men and events; ably explored causes and signalized effects; and blended with his historic tissue, which is, here and there, finely and compactly wrought, didactic remarks appertaining to a liberal and practical system of philosophy. He says, himself, in his first chapter—

"It is necessary for the execution of our plan, that we should review the period of the French Revolution, the most important, perhaps, during its currency, and in its consequences, which the annals of mankind afford; and although the very title is sufficient to awaken in most bosoms either horror or admiration, yet, neither insensible of the blessings of national liberty, nor of those which flow from the protection of just laws, and a moderate but firm executive government, we may perhaps be enabled to trace its events with the candour of one, who, looking back on past scenes, feels divested of the keen and angry spirit with which, in common with his contemporaries, he may have judged them while they were yet in progress."

This and the foregoing quotation, indicate the temper and tone with which he resolved to proceed, and apprise those who apprehended defamation *prepanse* of the French character and all political *liberalism*, that he meant at least, to be dispassionate and equitable. We shall now go on to illustrate the opinions and qualities of his Introduction, as far as our limits will admit; conscious that both his performance and the subject



merit a more deliberate and searching commentary, than it is, at present, in our power to attempt.

Our author, before he enters upon the French Revolution, briefly and acutely considers the situation of Europe between the peace of Versailles (1783,) and that pregnant era. Advancing to the revolution, he asserts "its first and effective cause" to have been "the change which had taken place in the feelings of the French towards their government and monarch." In noticing their antecedent devotion to their sovereign, he observes:—

"Into whatever political errors the French people were led by the excess of their loyalty, it would be unjust to brand them as a nation of a mean and slavish spirit. Servitude infers dishonour, and dishonour to a Frenchman is the last of evils. Burke more justly regarded them as a people misled to their disadvantage, by high and romantic ideas of honour and fidelity, and who, actuated by a principle of public spirit in their submission to their monarch, worshipped, in his person, the fortune of France, their common country."

To explain how the lapse of half a century, could have produced an alienation such as he assumes, he recounts the various changes which the course of years had operated in the various orders of the state; and enumerates the almost total ruin, by the wasting effects of luxury and vanity, of a great part of the noblesse, and the decay of their dignity and consequence, from this and other circumstances. The church, "the second pillar of the throne," had dwindled in authority and consideration, through the misconduct of the hierarchy, the perseverance of the Catholic councils in "extravagant pretensions and absurd doctrines;" the long and violent dispute between the Jesuits and the Jansenists, and the poverty and neglect in which the large body of the curates were suffered to remain. While the noblesse and the clergy had lost much of their influence, or actually fallen into discredit and odium, and were severally divided among themselves, the middle classes, the third estate, *tiers etat*, were greatly advanced in wealth, numbers, intrinsic strength, intelligence, *esprit de corps*, and jealousy of the privileged orders.\* The men of letters, multiplied beyond calculation, and exalted in rank and influence, undermined the aristocratic classes who cherished them, and who embraced from levity and fashion their dangerous maxims both in politics and religion. French literature, more than any

\* See Burke, 4 vol. p. 423, second Letter on Regicide Peace.

other in Europe, lent its powerful arm to sap what was sound in morals and salutary in principle.

"A strain of voluptuous and seducing immorality," says Sir Walter, "pervaded not only the lighter and gayer compositions of the French, but tinged the writings of those who called the world to admire them as poets of the highest mood, or to listen as to philosophers of the most lofty pretensions.

This license, with the corruption of morals, of which it is both the sign and the cause, leads directly to feelings the most inconsistent with manly and virtuous patriotism. Voluptuousness, and its consequences, render the libertine incapable of relish for what is simply and abstractedly beautiful or sublime, whether in literature or in the arts, and destroy the taste, while they degrade and blunt the understanding. But, above all, such libertinism leads to the exclusive pursuit of selfish gratification, for egotism is its foundation and its essence. Egotism is necessarily the very reverse of patriotism, since the one principle is founded exclusively upon the individual's pursuit of his own peculiar objects of pleasure or advantage, while the other demands a sacrifice, not only of these individual pursuits, but of fortune and life itself, to the cause of the public weal. Patriotism has, accordingly, always been found to flourish in that state of society, which is most favourable to the stern and manly virtues of self-denial, temperance, chastity, contempt of luxury, patient exertion, and elevated contemplation; and the public spirit of a nation has invariably borne a just proportion to its private morals. Religion cannot exist where immorality generally prevails, any more than a light can burn when the air is corrupted; and accordingly, infidelity was so general in France, as to predominate in almost every rank of society. Unhappily blinded by self-conceit, heated with the ardour of controversy, gratifying their literary pride by becoming members of a league, in which kings and princes were included, and procuring followers by flattering the vanity of some, and stimulating the cupidity of others, the men of the most distinguished parts in France became allied in a sort of anti-crusade against Christianity, and indeed against religious principles of every kind."

Our author has not forgotten the usurpations and pecuniary distresses of the crown; the exorbitant privileges of the noblesse and clergy; the exclusive pressure of the taxes upon the middle and lower classes; the abject and illiterate condition of the peasantry; the example of liberty in other countries; as additional sources of disaffection, and just motives to revolution. He acknowledges that the French *people* had, in the strict sense, "neither liberty nor property,"—that their restoration to indefeasible rights, and the abolition of abuses, were not only proper and desirable, but had become necessary and inevi-

table. With Burke, however, he condemns, while he confesses it to have been natural, the sentiment which grew to be so general, and the consequent endeavour of the French innovators,—that the whole fabric of government and society should be pulled down, and the area cleared for the erection of an experimental edifice in its place. He suggests that “a simple, virtuous, and religious people, would have rested content with such alterations in the constitution of their government, as might remove the evils of which they had just and pressing reason to complain;” and that in the history of innovation, the indirect and unforeseen consequences of every grave change of an existing system, are more numerous and extensive than those which are foreseen and calculated by either its agents, advocates, or adversaries. As regards the topic to which primary consequence has been ascribed by many speculators on this question,—we mean the influence of the American revolution and the French alliance,—Sir Walter avows it to have been great. He mentions that the king (Louis) was almost alone, even at his court, in opposing the alliance; that the talents and demeanour of the American envoys at Paris, rendered them irresistibly popular; and that the return of the French army from America brought a strong body of auxiliaries to the revolutionary opinions; a body from which the revolution derived, in fact, many of its most formidable champions. We are tempted to quote what Mr. Burke, in his second Letter on a Regicide Peace, has said on this point, as it is one that belongs to American history.

“The eager desire of raising France from the condition into which she had fallen, as her politicians conceived, from her monarchical imbecility, was the main spring of their interference in that unhappy American quarrel, the bad effects of which to the British nation have not, as yet, fully disclosed themselves. These sentiments had been long lurking in their breasts, though their views were only discovered now and then, in heat, and as by escapes; but on this occasion, they exploded suddenly. They were professed with ostentation, and propagated with zeal. These sentiments were not produced, as some think, by their American alliance. The American alliance was produced by their republican principles, and republican policy. This new relation undoubtedly did much. The discourses and cabals that it produced, the intercourse that it established, and above all, the example which made it seem practicable to establish a republic in a great extent of country, finished the work, and gave to that part of the revolutionary faction a degree of strength, which required other energies than the late king possessed, to resist, or even to restrain. It spread every where; but it was no where more prevalent than



in the heart of the court. The palace of Versailles, by its language, seemed a forum of democracy."

In the opinion of Sir Walter, the derangement of the finances was the proximate cause, and the meeting of the States General the first day, of the Revolution. In discussing these heads, he descants on the excellent dispositions, but irresolute spirit, and mutable policy, of Louis XVI., about whose virtues and whose errors scarcely any diversity of judgment seems to remain among the reflecting part of inquirers. He notes that few monarchs, of any country, ever changed their ministry, and with their ministry their councils and measures, so often as Louis. We have, in glorious Ferdinand of Spain, the example of one who has changed his ministry still oftener; but persisted in the same councils and measures, with a chance of experiencing, through his steadfastness, the fate which Louis is said to have incurred by his flexibility. Not seldom, the fatal paths that converge to utter ruin or intricate misery, are the widest apart in the outset. Our author laments the ascendancy of the unfortunate *Marie-Antoinette* over the uxorious French sovereign; remarking, that her estimable qualities were connected with a spirit of intrigue, "proper to the sex in such elevated situations," which but too frequently thwarted or bore down the more candid intentions of Louis.

Without entertaining so favourable an opinion of her as Burke and Scott express, and the Memoirs of Me. Campan are adapted to inspire, we are sure that her faults and offences were grossly exaggerated, and more than expiated by her final unparalleled, most dismal sufferings, inflicted with a black and savage ferocity of soul, and an abominable perversion of the manly character, which might make us imagine that her persecutors were a new, miscreate species of the human family; and which would seem, alone, to warrant all the epithets, definitions, and analogies lavished by Burke on the Jacobins in general. Misrepresentation, slander and satire, never accomplished their ends in a more remarkable and fatal degree, than in the instances of the martyr Louis and his queen. To those evils, in no small proportion, the discredit of the monarchy is to be attributed; just as that of the clerical order was produced not less by the unwearied and fanatical hostilities of Atheism and Libertinism, "embodied into factions, accredited and avowed," than by the degeneracy of the Bishops, the dissoluteness of the Abbés, or the depression of the Curates. Of melancholy reverse of fortune all history furnishes no examples,—not excepting that of Napoleon in Dresden and Napoleon in St. Helena—so signal and awful, if we look back on the situation of the parties at the pe-



riod of their marriage, or only a few years before the catastrophe, as the cases—of Louis, hurled from a throne which his ancestors had occupied for nine hundred years, and conveyed from “the palace of contempt to the dungeon of horror,” and thence to the scaffold,—and of Marie-Antoinette, the descendant of twenty-four emperors, and the daughter of Maria Theresa, dragged, in her thirty-ninth year, to the same ignominious death; her dishevelled locks grey and her visage haggard with complicated wretchedness; her hands closely tied; her attire mean and scant; in an open tumbril—her companion an apostate priest whom she loathed as a confessor; followed by an immense crowd of her once adoring and gallant subjects, now yelling exultation over her agony, and nearly realizing Burke’s daring image of “a drunken delirium from the hot spirit drawn out of the alembic of hell.”\*

It is neither practicable nor desirable for us to follow our author, particularly, in his interesting account of Necker’s first administration; the *Compte Rendu*; the measures of Maurepas, Vergennes, and Calonne; the Assembly of the Notables; the baneful disputes with the parliaments; the convocation of the States General; and the other initial, leading transactions, which precipitated the general convulsion and the total overthrow of the government. He depicts Necker, as a minister of an honest and candid disposition; a worthy person, but not an enlightened statesman; better acquainted with mathematics than with men. We pretermit, too, from necessity, the composition and proceedings of the States General; the consolidation of the three bodies into the National or Constituent Assembly, so famous;\* the abortive attempts of the Court upon it; the parties into which it was divided; and the various decrees by which, successively, it demolished the old despotism, and substituted a “Royal Democracy,” or acephalous realm. All the principal transactions are well narrated and canvassed by Sir Walter. He does not forget the prompt formation of the Clubs in Paris, especially that of the Jacobins; and of the affiliated societies throughout France, into whose hands the business of the Revo-

\* The official account of Marie-Antoinette’s execution says: “Elle avoit l’air calme, et paroissoit insensible aux cris de *vive la republique, à bas la tyrannie*, qu’elle n’a cessé d’entendre sur son passage:—apres sa mort l’exécuteur montra sa tête au peuple, *au milieu des cris mille fois répétés de vive la Republique*. The official report of Louis’s decapitation says: “sa tete est tombée, les citoyens ont trempé leurs piques et leurs mouchoirs dans son sang.” See the work entitled *Proces Des Bourbons*, in two octavos, containing all the details of the dethronement, imprisonment, trials and execution of the sovereigns.

† See Burke, *passim*, on the composition, situation, and schemes of the two first Assemblies, in his “Reflections, &c.”

lution quickly fell, and who soon converted it into the scourge of their own country, and the terror of the world. "The Jacobins," he observes, "were termed in ridicule *Les Enragés*, by the Republicans of the Assembly, who seeing in them only men of a fiery disposition and great violence of deportment and declamation, vainly thought they could halloo them on and call them off at pleasure." The Jacobins, however, understood better their own game and resources; they instituted and disciplined the populace in anarchy and atrocity; lost no time in debauching the troops, and preluded, as it were, by specimens of the rabid fury with which their own trainbands could be inflamed. Organized insurrection began its sanguinary career in the capital; and when its first excesses were denounced to the Assembly, then at Versailles, *Barnave*, a conspicuous member, asked, with a sneer, "if the blood which had been shed was so pure,"—while Robespierre exclaimed that "the people oppressed for ages had a right to *the revenge of a day*." In the provinces, the peasants, seized with an epidemic phrenzy, rose against the wealthy and privileged proprietors; attacked and burned the chateaux of the nobility; and added to this wild devastation the crimes of murder, rape, and rapine. As a sample of Sir Walter's historical manner, we quote here his relation of the first grand movement of the Paris mob against the Royal Family.

"The town of Versailles owed its splendour and wealth entirely to its being the royal residence, yet abounded with a population singularly ill disposed towards the King and royal family. The National Guard of the place, amounting to some thousands, were animated by the same feelings. There were only about four hundred *Gardes de Corps*, or Lifeguards, upon whom reliance could be placed for the defence of the royal family, in case of any popular tumult either in Versailles itself, or directed thither from Paris. These troops consisted of gentlemen of trust and confidence, but their numbers were few in proportion to the extent of the palace, and their very quality rendered them obnoxious to the people as armed aristocrats.

About two-thirds of their number, to avoid suspicion and gain confidence, had been removed to Rambouillet. In these circumstances, the grenadiers of the French Guards, so lately in arms against the royal authority, with an inconsistency not unnatural to men of their profession, took it into their heads to become zealous for recovery of the posts which they had formerly occupied around the King's person, and threatened openly to march to Versailles to take possession of the routine of duty at the palace, a privilege which they considered as their due, notwithstanding that they had deserted their posts against the King's command, and were

now about to resume them contrary to his consent. The regiment of Flanders was brought up to Versailles, to prevent a movement fraught with so much danger to the royal family. The presence of this corps had been required by the municipality, and the measure had been acquiesced in by the Assembly, though not without some expressive indications of suspicion.

The regiment of Flanders arrived accordingly, and the *Gardes de Corps*, according to a custom universal in the French garrisons, invited the officers to an entertainment, at which the officers of the Swiss guards, and those of the National Guard of Versailles, were also guests. This ill-omened feast was given in the Opera Hall of the palace, almost within hearing of the sovereigns; the healths of the royal family were drunk with the enthusiasm naturally inspired by the situation. The King and Queen imprudently agreed to visit the scene of festivity, carrying with them the Dauphin. Their presence raised the spirits of the company, already excited by wine and music, to the highest pitch; royalist tunes were played, the white cockade, distributed by the ladies who attended the Queen, was mounted with enthusiasm, and it is said that of the nation was trodden under foot.

If we consider the cause of this wild scene, it seems natural enough that the Queen, timid as a woman, anxious as a wife and a mother, might, in order to propitiate the favour of men who were summoned expressly to be the guard of the royal family, incautiously have recourse to imitate, in a slight degree, and towards one regiment, the arts of conciliation, which in a much grosser shape had been used by the popular party to shake the fidelity of the whole army. But it is impossible to conceive that the King, or ministers, could have hoped, by the transitory and drunken flash of enthusiasm elicited from a few hundred men during a carousal, to commence the counter-revolution, which they dared not attempt when they had at their command thirty thousand troops, under an experienced general.

But as no false step among the royalists remained unimproved by their adversaries, the military feast of Versailles was presented to the people of Paris under a light very different from that in which it must be viewed by posterity. The Jacobins were the first to sound the alarm through all their clubs and societies, and the hundreds of hundreds of popular orators whom they had at their command, excited the citizens by descriptions of the most dreadful plots, fraught with massacres and proscriptions. Every effort had already been used to heat the popular mind against the King and Queen, whom, in allusion to the obnoxious power granted to them by the law, they had of late learned to curse and insult, under the names of Monsieur and Madame Veto. The King had recently delayed yielding his sanction to the declarations of the Rights of Man, until the Constitution was complete. This had been severely censured by the Assembly, who spoke of sending



a deputation to extort his consent to these declarations, before presenting him with the practical results which they intended to bottom on them. A dreadful scarcity, amounting nearly to a famine, rendered the populace even more accessible than usual to desperate counsels. The feasts, amid which the aristocrats were represented as devising their plots, seemed an insult on the public misery. When the minds of the lower orders were thus prejudiced, it was no difficult matter to produce an insurrection.

That of the 5th October, 1789, was of a singular description, the insurgents being chiefly of the female sex. The market-women, *Dames aux Halles*, as they are called, half unsexed by the masculine nature of their employments, and entirely so by the ferocity of their manners, had figured early in the Revolution. With these were allied and associated most of the worthless and barbarous of their own sex, such disgraceful specimens of humanity as serve but to show in what a degraded state it may be found to exist. Females of this description began to assemble early in the morning, in large groups, with the cries for "bread," which so easily rouse a starving metropolis. There were observed amongst them many men disguised as women, and they compelled all the females they met to go along with them. They marched to the Hotel de Ville, broke boldly through several squadrons of the National Guard, who were drawn up in front of that building for its defence, and were with difficulty dissuaded from burning the records it contained. They next seized a magazine of arms, with three or four pieces of cannon, and were joined by a miscellaneous rabble, armed with pikes, scythes, and similar instruments, who called themselves the conquerors of the Bastille. The still increasing multitude re-echoed the cry of "Bread, bread!—to Versailles! to Versailles!"

The National Guard were now called out in force, but speedily showed their officers that they too were infected with the humour of the times, and as much indisposed to subordination as the mob, to disperse which they were summoned. La Fayette put himself at their head, not to give his own, but to receive their orders. They refused to act against women, who, they said, were starving, and in their turn demanded to be led to Versailles, to dethrone,—such was their language,—"the King, who was a driveller, and place the crown on the head of his son." La Fayette hesitated, implored, explained; but he had as yet to learn the situation of a revolutionary general. "Is it not strange," said one of his soldiers, who seemed quite to understand the military relation of officer and private on such an occasion, "is it not strange that La Fayette pretends to command the people, when it is his part to receive orders from them?"

Soon afterwards an order arrived from the Assembly of the Commune of Paris, enjoining the commandant's march, upon his own report that it was impossible to withstand the will of the



people. He marched accordingly in good order, and at the head of a large force of the National Guard, about four or five hours after the departure of the mob, who, while he waited in a state of indecision, were already far on their way to Versailles.

It does not appear that the King, or his ministers, had any information of these hostile movements. Assuredly, there could not have been a royalist in Paris willing to hazard a horse or a groom to carry such intelligence where the knowledge of it must have been so important. The leading members of the Assembly, assembled at Versailles, were better informed. "These gentlemen," said Barbantanne, looking at the part of the hall where the nobles and clergy usually sat, "wish more light—they shall have lanterns, they may rely upon it." Mirabeau went behind the chair of Mounier, the president. "Paris is marching upon us," he said.—"I know not what you mean," said Mounier.—"Believe me or not, all Paris is marching upon us—dissolve the sitting."—"I never hurry the deliberations," said Mounier.—"Then feign illness," said Mirabeau,—"*go to the palace, tell them what I say, and give me for authority. But there is not a minute to lose—Paris marches upon us.*"—"So much the better," answered Mounier; "*we will be a republic the sooner.*" Mounier must be supposed to speak ironically, and in allusion, not to his own opinions, but to Mirabeau's revolutionary tenets. Another account of this singular conversation states his answers to have been, "All the better. If the mob kill all of us—remark, I say *all of us*, it will be the better for the country."

Shortly after this singular dialogue, occasioned probably by a sudden movement, in which Mirabeau showed the aristocratic feelings from which he never could shake himself free, the female battalion, together with their masculine allies, continued their march uninterruptedly, and entered Versailles in the afternoon, singing patriotic airs, intermingled with blasphemous obscenities, and the most furious threats against the Queen. Their first visit was to the National Assembly, where the beating of drums, shouts, shrieks, and a hundred confused sounds, interrupted the deliberations. A man called Mailliard, brandishing a sword in his hand, and supported by a woman holding a long pole, to which was attached a tambour de basque, commenced a harangue in the name of the sovereign people. He announced that they wanted bread; that they were convinced the ministers were traitors; that the arm of the people was uplifted, and about to strike;—with much to the same purpose, in the exaggerated eloquence of the period. The same sentiments were echoed by his followers, mingled with the bitterest threats, against the Queen in particular, that fury could contrive, expressed in language of the most energetic brutality.

The Amazons then crowded into the Assembly, mixed themselves with the members, occupied the seat of the president, of

the secretaries, produced or procured victuals and wine, drank, sung, swore, scolded, screamed,—abused some of the members, and loaded others with their loathsome caresses.

A deputation of these madwomen was at length sent to St. Priest, the minister, a determined royalist, who received them sternly, and replied, to their demand of bread, "When you had but one king, you never wanted bread—you have now twelve hundred—go ask it of them." They were introduced to the King, however, and were so much struck with the kind interest which he took in the state of Paris, that their hearts relented in his favour, and the deputies returned to their constituents, shouting *Vive le Roi!*

Had the tempest depended on the mere popular breeze, it might now have been lulled to sleep; but there was a secret ground-swell, a heaving upwards of the bottom of the abyss, which could not be conjured down by the awakened feelings or convinced understandings of the deputation. A cry was raised that the deputies had been bribed to represent the King favourably; and, in this humour of suspicion, the army of Amazons stripped their garters, for the purpose of strangling their own delegates. They had by this time ascertained, that neither the National Guard of Versailles, nor the regiment of Flanders, whose transitory loyalty had passed away with the fumes of the wine of the banquet, would oppose them by force, and that they had only to deal with the *Gardes de Corps*, who dared not to act with vigour, lest they should provoke a general attack on the palace, while the most complete distraction and indecision reigned within its precincts. Bold in consequence, the female mob seized on the exterior avenues of the palace, and threatened destruction to all within.

The attendants of the King saw it necessary to take measures for the safety of his person, but they were marked by indecision and confusion. A force was hastily gathered of two or three hundred gentlemen, who, it was proposed, should mount the horses of the royal stud, and escort the King to Rambouillet, out of this scene of confusion. The *Gardes de Corps*, with such assistance, might certainly have forced their way through a mob of the tumultuary description which surrounded them; and the escape of the King from Versailles, under circumstances so critical, might have had a great effect in changing the current of popular feeling. But those opinions prevailed, which recommended that he should abide the arrival of La Fayette with the civic force of Paris.

It was now night, and the armed rabble of both sexes showed no intention of departing or breaking up. On the contrary, they bivouacked after their own manner upon the parade, where the soldiers usually mustered. There they kindled large fires, ate, drank, sang, caroused, and occasionally discharged their fire-arms. Scuffles arose from time to time, and one or two of the *Gardes de Corps* had been killed and wounded in the quarrel, which the rioters had endeavoured to fasten on them; besides which, this

devoted corps had sustained a volley from their late guests, the National Guard of Versailles. The horse of a *Garde de Corps*, which fell into the hands of these female demons, was killed, torn in pieces, and eaten half raw and half roasted. Every thing seemed tending to a general engagement, when late at night the drums announced the approach of La Fayette at the head of his civic army, which moved slowly but in good order.

The presence of this great force seemed to restore a portion of tranquillity, though no one seemed to know with certainty how it was likely to act. La Fayette had an audience of the King, explained the means he had adopted for the security of the palace, recommended to the inhabitants to go to rest, and unhappily set the example by retiring himself. Before doing so, however, he also visited the Assembly, pledged himself for the safety of the royal family and the tranquillity of the night, and, with some difficulty, prevailed on the President Mounier to adjourn the sitting, which had been voted permanent. He thus took upon himself the responsibility for the quiet of the night. We are loath to bring into question the worth, honour, and fidelity of La Fayette; and we can therefore only lament, that weariness should have so far overcome him at an important crisis, and that he should have trusted to others the execution of those precautions, which were most grossly neglected.

A band of the rioters found means to penetrate into the palace about three in the morning, through a gate which was left unlocked and unguarded. They rushed to the Queen's apartment, and bore down the few *Gardes de Corps* who hastened to her defence. The sentinel knocked at the door of her bed-chamber, called to her to escape, and then gallantly exposed himself to the fury of the murderers. His single opposition was almost instantly overcome, and he himself left for dead. Over his bleeding body they forced their way into the Queen's apartment; but their victim, reserved for farther and worse woes, had escaped by a secret passage into the chamber of the King, while the assassins, bursting in, stabbed the bed she had just left with pikes and swords.

The *Gardes de Corps* assembled in what was called the *Oeil de Bœuf*, and endeavoured there to defend themselves; but several, unable to gain this place of refuge, were dragged down into the courtyard, where a wretch distinguished by a long beard, a broad bloody axe, and a species of armour which he wore on his person, had taken on himself, by taste and choice, the office of executioner. The strangeness of the villain's costume, the sanguinary relish with which he discharged his office, and the hoarse roar with which from time to time he demanded new victims, made him resemble some demon whom hell had vomited forth, to augment the wickedness and horror of the scene.

Two of the *Gardes de Corps* were already beheaded, and the Man with the Beard was clamorous to do his office upon the



others who had been taken, when La Fayette, roused from his repose, arrived at the head of a body of grenadiers of the old French guards, who had been lately incorporated with the civic guard, and were probably the most efficient part of his force. He did not think of avenging the unfortunate gentlemen, who lay murdered before his eyes for the discharge of their military duty, but he entreated his soldiers to save him the dishonour of breaking his word, which he had pledged to the King, that he would protect the *Gardes de Corps*. It is probable he attempted no more than was in his power, and so far acted wisely, if not generously.

To redeem Monsieur de la Fayette's pledge, the grenadiers did, what they ought to have done in the name of the King, the law, the nation, and insulted humanity,—they cleared, and with perfect ease, the court of the palace from these bands of murderous bacchantes, and their male associates. The instinct of ancient feelings was in some degree awakened in the grenadiers. They experienced a sudden sensation of compassion and kindness for the *Gardes de Corps*, whose duty on the royal person they had in former times shared. There arose a cry among them,—“Let us save the *Gardes de Corps*, who saved us at Fontenoy.” They took them under their protection, exchanged their caps with them in sign of friendship and fraternity, and a tumult, which had something of the character of joy, succeeded to that which had announced nothing but blood and death.

The outside of the palace was still besieged by the infuriated mob, who demanded, with hideous cries, and exclamations the most barbarous and obscene, to see the Austrian, as they called the Queen. The unfortunate Princess appeared on the balcony, with one of her children in each hand. A voice from the crowd called out, “No children!” as if on purpose to deprive the mother of that appeal to humanity, which might move the hardest heart. Marie Antoinette, with a force of mind worthy of Maria Theresa, her mother, pushed her children back into the room, and, turning her face to the tumultuous multitude, which tossed and roared beneath, brandishing their pikes and guns with the wildest attitudes of rage, the reviled, persecuted, and denounced Queen stood before them, her arms folded on her bosom, with a noble air of courageous resignation. The secret reason of this summons—the real cause of repelling the children—could only be to afford a chance of some desperate hand among the crowd executing the threats which resounded on all sides. Accordingly, a gun was actually levelled, but one of the bystanders struck it down; for the passions of the mob had taken an opposite turn, and, astonished at Marie Antoinette's noble presence, and graceful firmness of demeanour, there arose, almost in spite of themselves, a general shout of *Vive la Reine!*

But if the insurgents, or rather those who prompted them,



missed their first point, they did not also lose their second. A cry arose, "To Paris!" at first uttered by a solitary voice, but gathering strength, until the whole multitude shouted, "To Paris—to Paris!" The cry of these blood-thirsty bacchanals, such as they had that night shown themselves, was, it seems, considered as the voice of the people, and as such, La Fayette neither remonstrated himself, nor permitted the King to interpose a moment's delay in yielding obedience to it; nor was any measure taken to put some appearance even of decency on the journey, or to disguise its real character, of a triumphant procession of the sovereign people, after a complete victory over their nominal monarch.

The carriages of the royal family were placed in the middle of an immeasurable column, consisting partly of La Fayette's soldiers, partly of the revolutionary rabble whose march had preceded his, amounting to several thousand men and women of the lowest and most desperate description, intermingling in groups amongst the bands of French guards, and civic soldiers, whose discipline could not enable them to preserve even a semblance of order. Thus they rushed along, howling their songs of triumph. The harbingers of the march bore the two bloody heads of the murdered *Gardes de Corps* paraded on pikes, at the head of the column, as the emblems of their prowess and success. The rest of this body, worn down by fatigue, most of them despoiled of their arms, and many without hats, anxious for the fate of the royal family, and harassed with apprehensions for themselves, were dragged like captives in the midst of the mob, while the drunken females around them bore aloft in triumph their arms, their belts, and their hats. These wretches, stained with the blood in which they had bathed themselves, were now singing songs, of which the burthen bore,—“We bring you the baker, his wife, and the little apprentice;” as if the presence of the unhappy royal family, with the little power they now possessed, had been in itself a charm against scarcity. Some of these Amazons rode upon the cannon, which made a formidable part of the procession. Many of them were mounted on the horses of the *Gardes de Corps*, some in masculine fashion, others *en croupe*. All the muskets and pikes which attended this immense cavalcade, were garnished, as if in triumph, with oak boughs, and the women carried long poplar branches in their hands, which gave the column, so grotesquely composed in every respect, the appearance of a moving grove. Scarce a circumstance was omitted which could render this entrance into the capital more insulting to the King's feelings—more degrading to the royal dignity.

After six hours of dishonour and agony, the unfortunate Louis was brought to the Hotel de Ville, where Bailli, then mayor, complimented him upon the “*beau jour*,” the “splendid day,” which restored the monarch of France to his capital; assured him

that order, peace, and all the gentler virtues, were about to revive in the country under his royal eye, and that the King would henceforth become powerful through the people, the people happy through the King; and "what was truest of all," that as Henry IV. had entered Paris by means of reconquering his people, Louis XVI. had done so, because his people had reconquered their King. His wounds salved with this lip-comfort, the unhappy and degraded Prince was at length permitted to retire to the Palace of the Tuilleries, which, long uninhabited, and almost unfurnished, yawned upon him like the tomb where alone he at length found repose."

Our author proceeds to mention and discuss the ulterior measures, and the characters, of the several factions of the Assembly. He has soon to deal chiefly with the new lords of the ascendant, the oracles of the Jacobin club, and idols of the *Sans culottes*; and with their anomalous schemes of equality, finance, manners, dress, and discourse. He dilates upon the confiscation of the property of the church; the alterations in the system of religious worship; the inadmissible oaths prescribed to the clergy, and the emission of assignats. Among the acts of the National Assembly, he notices in the following terms, what was done with regard to the press:—

"The National Assembly recognised the freedom of the press; and, in doing so, conferred on the nation a gift fraught with much good and some evil, capable of stimulating the worst passions, and circulating the most atrocious calumnies, and occasioning frequently the most enormous deeds of cruelty and injustice; but ever bearing along with it the means of curing the very evils caused by its abuses, and of transmitting to futurity the sentiments of the good and the wise, so invaluable when the passions are silenced, and the calm slow voice of reason and reflection comes to obtain a hearing. The press stimulated massacres and proscriptions during the frightful period which we are approaching; but the press has also held up to horror the memory of the perpetrators, and exposed the artifices by which the actors were instigated. It is a rock on which a vessel may be, indeed, and is often wrecked; but that same rock affords the foundation of the brightest and noblest beacon."

The king's flight from Paris, his capture, and compulsory return, and the immediate consequences of this luckless attempt to escape from contumely and murder, are rapidly and impressively detailed in the first volume. On reaching the dissolution of the National Assembly, our author, though he condemns the Constitution which they framed, celebrates the talents and good intentions of a large part of the members, and proclaims that, to these men, France was indebted for the first

principles of civil liberty. "They kindled the flame," he adds, "if they could not regulate it; and such as now enjoy its temperate warmth should have sympathy for the errors of those to whom they owe a boon so inestimable."

We come, next, to the *Legislative Assembly*, "in which there was no party, that could be termed strictly or properly royalist." Its three divisions, the Constitutionals, the Girondists, or Brissotins, and the Jacobins, are exhibited in their diversity of traits and objects; their relentless mutual strife, and their common warfare against the wretched king. The Girondists and the Jacobins stood ready "to storm together the last bulwarks of the monarchy"—but the latter were resolved and destined to monopolize the spoil, and establish the ineffable, incomparable *Reign of Terror*. Robespierre, says Scott, might be considered as the head of the Jacobins, "if they had, indeed, a leader, more than wolves have, which tune their united voices to the cry of him that bays the loudest."—*Marat* loved to talk of murder as soldiers do of battles, and made, *con amore*, an exact calculation to show in what manner *two hundred and sixty thousand* aristocrats might be butchered in a day. The two peerless ruffians, and their condign associate, Danton, are thus portrayed in the second volume:—

"Three men of terror, whose names will long remain, we trust, unmatched in history by those of any similar miscreants, had now the unrivalled leading of the jacobins, and were called the triumvirate.

Danton deserves to be named first, as unrivalled by his colleagues in talent and audacity. He was a man of gigantic size, and possessed a voice of thunder. His countenance was that of an Ogre on the shoulders of a Hercules. He was as fond of the pleasures of vice as of the practice of cruelty; and it was said there were times when he became humanized amidst his debauchery, laughed at the terror which his furious declamations excited, and might be approached with safety, like the Maelstrom at the turn of tide. His profusion was indulged to an extent hazardous to his popularity, for the populace are jealous of a lavish expenditure, as raising their favourites too much above their own degree; and the charge of peculation finds always ready credit with them, when brought against public men.

Robespierre possessed this advantage over Danton, that he did not seem to seek for wealth, either for hoarding or expending, but lived in strict and economical retirement, to justify the name of the Incorruptible, with which he was honoured by his partisans. He appears to have possessed little talent, saving a deep fund of hypocrisy, considerable powers of sophistry, and a cold exaggerated strain of oratory, as foreign to good taste, as the measures



he recommended were to ordinary humanity. It seemed wonderful, that even the seething and boiling of the revolutionary cauldron should have sent up from the bottom, and long supported on the surface, a thing so miserably void of claims to public distinction; but Robespierre had to impose on the minds of the vulgar, and he knew how to beguile them, by accommodating his flattery to their passions and scale of understanding, and by acts of cunning and hypocrisy, which weigh more with the multitude than the words of eloquence, or the arguments of wisdom. The people listened as to their Cicero, when he twanged out his apostrophes of *Pauvre Peuple, Peuple vertueux!* and hastened to execute whatever came recommended by such honied phrases, though devised by the worst of men for the worst and most inhuman of purposes.

Vanity was Robespierre's ruling passion, and though his countenance was the image of his mind, he was vain even of his personal appearance, and never adopted the external habits of a sans culotte. Amongst his fellow jacobins, he was distinguished by the nicety with which his hair was arranged and powdered; and the neatness of his dress was carefully attended to, so as to counterbalance, if possible, the vulgarity of his person. His apartments, though small, were elegant, and vanity had filled them with representations of the occupant. Robespierre's picture at length hung in one place, his miniature in another, his bust occupied a niche, and on the table were disposed a few medallions exhibiting his head in profile. The vanity which all this indicated was of the coldest and most selfish character, being such as considers neglect as insult, and receives homage merely as a tribute; so that, while praise is received without gratitude, it is withheld at the risk of mortal hate. Self-love of this dangerous character is closely allied with envy, and Robespierre was one of the most envious and vindictive men that ever lived. He never was known to pardon any opposition, affront, or even rivalry; and to be marked in his tablets on such an account, was a sure, though perhaps not an immediate sentence of death. Danton was a hero, compared with this cold, calculating, creeping miscreant; for his passions, though exaggerated, had at least some touch of humanity, and his brutal ferocity was supported by brutal courage. Robespierre was a coward, who signed death-warrants with a hand that shook, though his heart was relentless. He possessed no passions on which to charge his crimes; they were perpetrated in cold blood, and upon mature deliberation.

Marat, the third of this infernal triumvirate, had attracted the attention of the lower orders, by the violence of his sentiments in the journal, which he conducted from the commencement of the Revolution upon such principles that it took the lead in forwarding its successive changes. His political exhortations began and ended like the howl of a blood-hound for murder; or, if a wolf



could have written a journal, the gaunt and famished wretch could not have ravened more eagerly for slaughter. It was blood which was Marat's constant demand, not in drops from the breast of an individual, not in puny streams from the slaughter of families, but blood in the profusion of an ocean. His usual calculation of the heads which he demanded amounted to two hundred and sixty thousand; and though he sometimes raised it as high as three hundred thousand, it never fell beneath the smaller number. It may be hoped, and, for the honour of human nature we are inclined to believe, there was a touch of insanity in this unnatural strain of ferocity; and the wild and squalid features of the wretch appear to have intimated a degree of alienation of mind. Marat was, like Robespierre, a coward. Repeatedly denounced in the Assembly, he skulked instead of defending himself, and lay concealed in some obscure garret or cellar among his cut-throats, until a storm appeared, when, like a bird of ill omen, his death-screach was again heard. Such was the strange and fatal triumvirate, in which the same degree of cannibal cruelty existed under different aspects. Danton murdered to glut his rage; Robespierre, to avenge his injured vanity, or to remove a rival whom he envied; Marat, from the same instinctive love of blood, which induces a wolf to continue his ravage of the flocks long after his hunger is appeased."

"Danton despised Robespierre for his cowardice, Robespierre feared the ferocious audacity of Danton; and with him to fear was to hate—and to hate was—when the hour arrived—to destroy. They differed in their ideas also of the mode of exercising their terrible system of government. Danton had often in his mouth the sentence of Machiavel, that when it becomes necessary to shed blood, a single great massacre has a more dreadful effect than a series of successive executions. Robespierre, on the contrary, preferred the latter process as the best way of sustaining the reign of terror. The appetite of Marat could not be satiated but by combining both modes of murder. Both Danton and Robespierre kept aloof from the sanguinary Marat.

Among the three monsters mentioned, Danton had that energy which the Girondists wanted, and was well acquainted with the secret movements of those insurrections to which they possessed no key. His vices of wrath, luxury, love of spoil, dreadful as they were, are attributes of mortal men;—the envy of Robespierre, and the instinctive blood-thirstiness of Marat, were the properties of fiends. Danton, like the huge serpent called the Boa, might be approached with a degree of safety when gorged with prey—but the appetite of Marat for blood was like the horse-leech, which says, Not enough—and the slaughterous envy of Robespierre was like the gnawing worm that dieth not, and yields no interval of repose. In glutting Danton with spoil, and furnishing the means of indulging his luxury, the Girondists might have purchased his

support; but nothing under the supreme rule in France would have gratified Robespierre; and an unlimited torrent of the blood of that unhappy country could alone have satiated Marat. If a colleague was to be chosen out of that detestable triumvirate, unquestionably Danton was to be considered as the most eligible."

Before entering upon a particular exposition of the progress and character of the Sansculotte régime, Sir Walter passes in cursory review the situation and dispositions of the foreign powers, with regard to Revolutionary France, and the origin and first events of the general war which commenced at the epoch of the Legislative Assembly. Of the supposed treaties of Pavia and Pilnitz he remarks, that, although they were, at one time, assumed as real documents, in the British House of Commons, they are now generally allowed to have had no existence. Among the domestic occurrences of this period, those of the 10th August, the attack made upon the palace of the Tuileries, and the destruction of the Swiss guards, are told in the most animated and touching strain. So, likewise, the demoniac massacres of the four thousand, chiefly innocent, tenants of the prisons of Paris, between the 2d and 7th of September; which consigned to the perpetrators the name of *Septembrisers*; a name devoted to horror and infamy. "The massacres of the 2d September," says Burke, "were begotten by the massacres of the 10th August. They were universally foreseen, and hourly expected. During the short intervals between the two murderous scenes, the furies, male and female, cried out havoc—the jails were filled with prepared victims; and when they overflowed, churches were turned into jails," &c.

Few of the features, occurrences, or prime movers of the reign of terror, are left unheeded by Sir Walter, and some are handled with a masterly discrimination. We cannot say that Burke's explanations of the springs and phenomena of the Jacobin rule are superseded by these pages; but our author, too, is ably speculative and descriptive. He has almost overlooked, however, the external politics of the republic,—“the system of circulating mutinous manifestoes, and of keeping emissaries of sedition in every country, under the name of ambassadors,”—a system which was extended to the United States, and here severely felt in its restlessness and audacity. Sir Walter contrasts, at some length and pains, the situation of France in reference to republican government, with that of each of the countries, ancient and modern, which have enjoyed popular institutions. He seems to have been aware of the truth, that a republic, justly so called, never existed in France; that “the principles, the plans, the manners, the morals, of her

constitution-mongers and rulers were, in every change, adverse to the formation and duration of any rational scheme of a republic." That polity, rightly understood, and as it flourishes here, has not to answer for any of the enormities or miscarriages prominent in the French revolutionary records. Even Rousseau defines it to be a government of *laws*—not one of demagogues or monsters. Our author grants all credit, in the kindest strain, to "the successful attempt in America to establish it on a large scale," but ascribes, as many distinguished European politicians have done, more power of good or evil to Washington, in that question, than he, or any other individual, possessed. The model of heroes was no more able than he was inclined, to turn the march of our Revolution, or give a monarchical character to our system.

Notwithstanding the confidence with which Sir Walter and various foreign historians, indicate opportunities, by the improvement of which, in the modes they specify, Louis XVI. might have stayed the revolutionary torrent in France, and rescued the monarchy, we unaffectedly doubt whether this was ever possible, whatever degree of sagacious vigilance, or despotic energy, or circumspect, timely compliance, he might have personally essayed. The earthquake of popular commotion was prepared: the minds of men were incurably seasoned and determined for a grand catastrophe, by accumulated abuses, wide-spread discontent, profligate ambition, ignorance, vice, irreligion—by all reveries of wild enthusiasm, all exorbitances of rash theory. "Such was the distemper of the public mind, that there was no madman, in his maddest ideas, who might not count upon numbers to support his principles and execute his designs." Heaven and earth combined in the tempest. No sovereign, however strenuous, no ministers, however skilful, could have averted its approach or repelled its shock. It was "Fire, and hail; snow, and vapours; stormy wind fulfilling His word."

The imprisonment, trial, and execution of Louis and Marie Antoinette, are materials out of which our author might have wrought more elaborate and moving pictures and lessons than he has furnished, if he had possessed space for the indulgence of his talent and sensibility: But, though abstemiously, they are still efficiently used; and also, the siege and treatment of Lyons, the subsequent fierce and ravenous struggles, and successive overthrow and butchery, of the Girondists, and of the more nefarious leaders and instigators of the *sovereign canaille*, and indefatigable directors of the *holy guillotine*, in their turn. The decree of proscription against the Girondists, passed on



the motion of *Couthon*,—"a decrepid being, whose lower extremities were paralysed—whose benevolence of feeling seemed to pour itself out in the most gentle expressions uttered in the most melodious tones—whose sensibility led him constantly to foster a favourite spaniel in his bosom, that he might have something on which to bestow kindness and caresses—but who was at heart as fierce as Danton, and as pitiless as Robespierre." This old, genial colleague of Robespierre,—fit agent in the work of decimating a whole people at one time, and immuring in dungeons not less than three hundred thousand souls, a third of whom were women,—was among the few who adhered to that sublime monster when his death knell was at length rung in the Convention, after he had been for two years absolute master of the life of every man in France. No tyrant ever had so hideous an end, as none ever maintained a more ghastly sway. The closing scenes of his career, in the Convention, in the guard-room at the *Hotel de Ville*, and on the gory, clotted platform of his darling guillotine, are etched by Sir Walter with the highest dramatic effect. The epitaph written for him conveys the universal sense of his nature and rule—

"Here lies *Robespierre*—let no tear be shed;  
Reader, if he had lived, thou had'st been dead."

Those who deposed and immediately succeeded this dread representative of the King of Terrors, were, however, not much his superiors in patriotism or humanity; and Burke was not far wrong, when he referred to the occasion in these characteristic terms:—

"I hear of another inducement to fraternity, with the present rulers. They have murdered one Robespierre. This Robespierre, they tell us was a cruel tyrant, and now that he is put out of the way, all will go well in France. *Astræa* will again return to that earth from which she has been an emigrant, and all nations will resort to her golden scales. This is their jargon. It is the old *bon ton* of robbers, who cast their common crimes on the wickedness of their departed associates. I care little about the memory of this same Robespierre. I am sure he was an execrable villain. I rejoiced at his punishment neither more nor less, than I should at the execution of the present directory, or any of its members. But who gave Robespierre the power of being a tyrant? and who were the instruments of his tyranny? The present virtuous constitution-mongers. He was a tyrant, they were his satellites and his hangmen. Their sole merit is in the murder of their colleague. They have expiated their other murders by a new murder. It has always been the case among this banditti. They have always had the knife at each other's throats, after they had almost blunted it at the throats of every honest man. These people thought,



that, in the commerce of murder, he was like to have the better of the bargain, if any time was lost; they therefore took one of their short revolutionary methods, and massacred him in a manner so perfidious and cruel, as would shock all humanity, if the stroke was not struck by the present rulers on one of their own associates.”\*

We would willingly quote the whole of Sir Walter’s most interesting and spirited outline of the struggle in La Vendée, where “the blood-hounds of war” were indeed uncoupled and unmuzzled, by the Jacobin dynasty, to imbrue themselves in carnage worthy of fiends; but we must be content with part of it, and that, perhaps, beyond our proper contingent.

“The Vendean insurgents, though engaged in the same cause, and frequently co-operating, were divided into bodies, under leaders independent of each other. Those of the right bank of the Loire were chiefly under the orders of the celebrated La Charette, who, descended from a family distinguished as commanders of privateers, and himself a naval officer, had taken on him this dangerous command. An early wandering disposition, not unusual among youth of eager and ambitious character, had made him acquainted with the inmost recesses of the woods, and his native genius had induced him to anticipate the military advantages which they afforded. In his case, as in many others, either the sagacity of these uninstructed peasants led them to choose for command men whose talents best fitted them to enjoy it, or perhaps the perils which environed such authority prevented its being aspired to, save by those whom a mixture of resolution and prudence led to feel themselves capable of maintaining their character when invested with it. It was remarkable also, that in choosing their leaders, the insurgents made no distinction between the noblesse and the inferior ranks. Names renowned in ancient history—Talmont, D’Autichamp, L’Escure, and La Roche-Jacquelein, were joined in equal command with the gamekeeper Stoflet; Cathelineau, an itinerant wool-merchant; La Charette, a roturier of slight pretensions; and others of the lowest order, whom the time and the public voice called into command, but who, nevertheless, do not seem, in general, to have considered their official command, as altering the natural distinction of their rank in society. In their success, they formed a general council of officers, priests, and others, who held their meetings at Châtillon, and directed the military movements of the different bodies; assembled them at pleasure on particular points, and for particular objects of service; and dispersed them to their homes when these were accomplished.

With an organization so simple, the Vendean insurgents, in

\* Fourth Letter on a Regicide Peace.

about two months, possessed themselves of several towns and an extensive tract of country; and though repeatedly attacked by regular forces, commanded by experienced generals, they were far more frequently victors than vanquished, and inflicted more loss on the republicans by gaining a single battle, than they themselves sustained in repeated defeats.

Yet at first their arms were of the most simple and imperfect kind. Fowling-pieces, and fuses of every calibre, they possessed from their habits as huntsmen and fowlers; for close encounter they had only scythes, axes, clubs, and such weapons as anger places most readily in the hands of the peasant. Their victories, latterly, supplied them with arms in abundance, and they manufactured gunpowder for their own use in great quantity.

Their tactics were peculiar to themselves, but of a kind so well suited to their country and their habits, that it seems impossible to devise a better and more formidable system. The Vendean took the field with the greatest simplicity of military equipment. His scrip served as a cartridge-box, his uniform was the country short jacket and pantalóons, which he wore at his ordinary labour; a cloth knapsack contained bread and some necessaries, and thus he was ready for service. They were accustomed to move with great secrecy and silence among the thickets and enclosures by which their country is intersected, and were thus enabled to choose at pleasure the most favourable points of attack or defence. Their army, unlike any other in the world, was not divided into companies, or regiments, but followed in bands, and at their pleasure, the chiefs to whom they were most attached. Instead of drums or military music, they used, like the ancient Swiss and Scottish soldiers, the horns of cattle for giving signals to their troops. Their officers wore, for distinction, a sort of chequered red handkerchief knotted round their head, with others of the same colour tied round their waist, by way of sash, in which they stuck their pistols.

The attack of the Vendéans was that of sharp-shooters. They dispersed themselves so as to surround their adversaries with a semicircular fire, maintained by a body of formidable marksmen, accustomed to take aim with fatal precision, and whose skill was the more dreadful, because, being habituated to take advantage of every tree, bush, or point of shelter, those who were dealing destruction amongst others, were themselves comparatively free from risk. This manœuvre was termed *s'égailer*; and the execution of it resembling the Indian bush-fighting, was, like the attack of the Red warriors, accompanied by whoops and shouts, which seemed, from the extended space through which they resounded, to multiply the number of the assailants.

When the Republicans, galled in this manner, pressed forward to a close attack, they found no enemy on which to wreak their vengeance; for the loose array of the Vendéans gave immediate

passage to the head of the charging column, while its flanks, as it advanced, were still more exposed than before to the murderous fire of their invisible enemies. In this manner they were sometimes led on from point to point, until the regulars meeting with a barricade, or an *abbatis*, or a strong position in front, or becoming perhaps involved in a defile, the Vendéans exchanged their fatal musketry for a close and furious onset, throwing themselves with the most devoted courage among the enemy's ranks, and slaughtering them in great numbers. If, on the other hand, the insurgents were compelled to give way, a pursuit was almost as dangerous to the Republicans as an engagement. The Vendéan, when hard pressed, threw away his clogs, or wooden-shoes, of which he could make himself a new pair at the next resting-place, sprang over a fence or canal, loaded his fusee as he ran, and discharged it at the pursuer with a fatal aim, whenever he found opportunity of pausing for that purpose.

This species of combat, which the ground rendered so advantageous to the Vendéans, was equally so in case of victory or defeat. If the Republicans were vanquished, their army was nearly destroyed; for the preservation of order became impossible, and without order their extermination was inevitable, while baggage, ammunition, carriages, guns, and all the material part, as it is called, of the defeated army, fell into possession of the conquerors. On the other hand, if the Vendéans sustained a loss, the victors found nothing on the field but the bodies of the slain, and the *sabots*, or wooden-shoes, of the fugitives. The few prisoners whom they made had generally thrown away or concealed their arms, and their army having no baggage or carriages of any kind, could of course lose none. Pursuit was very apt to convert an advantage into a defeat; for the cavalry could not act, and the infantry, dispersed in the chase, became frequent victims to those whom they pursued.

In the field, the Vendéans were courageous to rashness. They hesitated not to attack and carry artillery with no other weapons than their staves; and most of their worst losses proceeded from their attacking fortified towns and positions with the purpose of carrying them by main force. After conquest, they were in general humane and merciful. But this depended on the character of their chiefs. At Machecoul, the insurgents conducted themselves with great ferocity in the very beginning of the civil war; and towards the end of it, mutual and reciprocal injuries had so exasperated the parties against each other, that quarter was neither given nor taken on either side. Yet until provoked by the extreme cruelties of the Revolutionary party, and unless when conducted by some peculiarly ferocious chief, the character of the Vendéans united clemency with courage. They gave quarter readily to the vanquished, but having no means of retaining prisoners, they usually shaved their heads before they set them at



liberty, that they might be distinguished, if found again in arms, contrary to their parole. A no less striking feature, was the severity of a discipline respecting property, which was taught them only by their moral sense. No temptation could excite them to pillage; and Madame La Roche-Jacquelein has preserved the following singular instance of their simple honesty:—"After the peasants had taken the town of Bressuire by storm, she overheard two or three of them complain of the want of tobacco, to the use of which they were addicted, like the natives of moist countries in general. "What," said the lady, "is there no tobacco in the shops?"—"Tobacco enough," answered the simple-hearted and honest peasants, who had not learned to make steel supply the want of gold,—“tobacco enough; but we have no money to pay for it.”

Amidst these primitive warriors were mingled many gentlemen of the first families in France, who, Royalists from principle, had fled to La Vendée rather than submit to the dominion of the Convention, or the Convention's yet more cruel masters. There were found many men, the anecdotes told of whom remind us continually of the age of Henri Quatre, and the heroes of chivalry. In these ranks, and almost on a level with the valiant peasants of which they were composed, fought the calm, steady, and magnanimous L'Escure,—D'Elbée, a man of the most distinguished military reputation,—Bonchamp, the gallant and the able officer, who, like the Constable Montmorency, with all his talent, was persecuted by fortune,—the chivalrous Henry La Roche Jacquelein, whose call upon his soldiers was—"If I fly, slay me—If I advance, follow me—if I fall, avenge me;" with other names distinguished in the roll of fame, and not the less so that they have been recorded by the pen of affection.

The object of the insurrection was announced in the title of The Royal and Catholic Army, assumed by the Vendéans. In their moments of highest hope, their wishes were singularly modest. Had they gained Paris, and replaced the royal authority in France, they meditated the following simple boons:—1. They had resolved to petition, that the name of La Vendée be given to the Bocage and its dependencies, which should be united under a separate administration, instead of forming, as at present, a part of three distinct provinces.—2. That the restored Monarch would honour the Bocage with a visit.—3. That in remembrance of the loyal services of the country, a white flag should be displayed from each steeple, and the king should add a cohort of Vendéans to his body guard.—4. That former useful projects of improving the navigation of the Loire and its canals, should be perfected by the government. So little of selfish hope or ambition was connected with the public spirit of these patriarchal warriors.

The war of La Vendée was waged with various fate for nearly two years, during which the insurgents, or brigands as they



were termed, gained by far the greater number of advantages, though with means infinitely inferior to those of the government, which detached against them one general after another, at the head of numerous armies, with equally indifferent success. Most of the Republicans intrusted with this fatal command suffered by the guillotine, for not having done that which circumstances rendered impossible.

Upwards of two hundred battles and skirmishes were fought in this devoted country. The revolutionary fever was in its access; the shedding of blood seemed to have become positive pleasure to the perpetrators of slaughter, and was varied by each invention which cruelty could beget to give it new zest. The habitations of the Vendéans were destroyed, their families subjected to violation and massacre, their cattle houghed and slaughtered, and their crops burnt and wasted. One Republican column assumed and merited the name of the Infernal, by the horrid atrocities which they committed. At Pillau, they roasted the women and children in a heated oven. Many similar horrors could be added, did not the heart and hand recoil from the task. Without quoting any more special instances of horror, we use the words of a Republican eye-witness, to express the general spectacle presented by the theatre of civil conflict.

‘I did not see a single male being at the towns of Saint Hermand, Chantonay, or Herbiers. A few women alone had escaped the sword. Country-seats, cottages, habitations of whichever kind, were burnt. The herds and flocks were wandering in terror around their usual places of shelter, now smoking in ruins. I was surprised by night, but the wavering and dismal blaze of conflagration afforded light over the country. To the bleating of the disturbed flocks, and bellowing of the terrified cattle, was joined the deep hoarse notes of carrion crows, and the yells of wild animals coming from the recesses of the woods to prey on the carcasses of the slain. At length a distant column of fire, widening and increasing as I approached, served me as a beacon. It was the town of Mortagne in flames. When I arrived there, no living creatures were to be seen, save a few wretched women who were striving to save some remnants of their property from the general conflagration.’

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Notwithstanding the desolating mode in which the Republicans conducted the war, with the avowed purpose of rendering La Vendée uninhabitable, the population seemed to increase in courage, and even in numbers, as their situation became more desperate. Renewed armies were sent into the devoted district, and successively destroyed in assaults, skirmishes, and ambuscades, where they were not slaughtered in general actions. More than

a hundred thousand men were employed at one time, in their efforts to subjugate this devoted province. But this could not last for ever; and a chance of war upon the frontiers, which threatened reverses to the Convention, compensated them by furnishing new forces, and of a higher description in point of character and discipline, for the subjection of La Vendée.

This was the surrender of the town of Mentz to the Prussians. By the capitulation, a garrison of near fifteen thousand experienced soldiers, and some officers of considerable name, were debarred from again bearing arms against the allies. These troops were employed in La Vendée, where the scale had already begun to preponderate against the dauntless and persevering insurgents. At the first encounters, the soldiers of Mentz, unacquainted with the Vendean mode of fighting, sustained loss, and were thought lightly of by the Royalists. This opinion of their new adversaries was changed, in consequence of a defeat near Chollet, more dreadful in its consequences than any which the Vendéans had yet received, and which determined their generals to pass the Loire with their whole collected force, leave their beloved Bocage to the axes and brands of the victors, and carry the war into Bretagne, where they expected either to be supported by a descent of the English, or by a general insurrection of the inhabitants.

In this military emigration, the Royalists were accompanied by their aged people, their wives, and their children; so that their melancholy march resembled that of the Cimbrians or Helvetians of old, when, abandoning their ancient dwellings, they wandered forth to find new settlements in a more fertile land. They crossed the river near Saint Florent, and the banks were blackened with nearly a hundred thousand pilgrims of both sexes, and of every age. The broad river was before them, and behind them their burning cottages and the exterminating sword of the Republicans. The means of embarkation were few and precarious; the affright of the females almost ungovernable; and such was the tumult and terror of the scene, that, in the words of Madame La Roche Jacquelein, the awe-struck spectators could only compare it to the day of judgment. Without food, directions, or organization of any kind—without the show of an army, saving in the front and rear of the column, the centre consisting of their defenceless families marching together in a mass—these indomitable peasants defeated a Republican army under the walls of Laval."

The subject of the French revolution has been attempted by many authors; by some, with respectable capacity, but by none with the highest success in a professed history. That of *Mignet*, published in 1824 in Paris, appears to us to deserve the popularity which it has acquired, as a manual, both in France and England, and to have justly supplanted those of Toulon-

geon, Lacretelle le jeune, and Fantin-Desodoards. It is sufficiently ample for common purposes; as impartial as can be now expected from a contemporary French writer; and distinguished by more brevity in the style and closeness of thought than we find in most of the French publications of the age. The Abbé Barruel's *Memoires pour servir a l'histoire du Jacobinisme*, a work which speedily acquired vast renown, and occasioned the liveliest sensation and controversy, is now scarcely read or even mentioned. It is eloquent and extraordinary, and not destitute of foundation; but abounds with hyperbole, whims, and phantasms. Though the precious Memoirs of *Baron de Grimm* are usually read for amusement, and prized merely in their piquant chronicles of the theatre and the saloons, much sober and curious instruction is interspersed, relative to the causes and incentives of the subversion of the throne. But there is no source of information so copious, sure, and entertaining, as the *Collection Des Mémoires Relatifs à la Revolution Française*, which has reached the number of forty-eight octavos. Of these, Sir Walter Scott has not, we think, availed himself to the extent which even his qualified design allowed; and it might be supposed that he did not consult the valuable portion of them before inedited, such as *Thibaudeau's* two volumes. We have met with no disquisition on the causes of the Revolution, more directly instructive than the tract by *Senac de Meilhan*, entitled "*Du Gouvernement, des Mœurs, et Des Conditions en France avant la Revolution.*" In a few sentences like the following, how just and comprehensive the rationale!

"L'état des Finances a été en France le premier principe de la Révolution; mais cette maladie du corps politique n'a pas été si grave encore, que les remèdes ont été insuffisans ou maladroitement appliqués.

La légèreté d'esprit dans les classes supérieures a commencé la Révolution, la foiblesse du gouvernement l'a laissé faire des progrès, et la terreur a consommé l'ouvrage.

Au moment où le clergé, où l'ordre de la noblesse sont venus se confondre avec le Tiers-Etat, les fondemens de la monarchie ont croulé, et il n'y a plus eu aucun degré, qui séparât le dernier des citoyens du monarque, qualifié alors de *fonctionnaire de l'Etat*.

La Démocratie étoit la suite inévitable d'une telle confusion; et l'effusion de sang, les plus atroces barbaries, le résultat nécessaire de l'agitation générale du peuple: enfin les plus mortelles exhalaisons devoient sortir de la lie nationale, remuée par des mains criminelles et téméraires."

Sir Walter has frequent occasion to mention *La Fayette*, and is not wanting in liberality and respect towards that pure and hallowed patriot,—one of the very few who have emerged from the chaos of folly and crime, unstained by any act of cruelty, apostacy, pusillanimity, or selfishness; free, indeed, from all suspicion of inordinate aims and sinister attachments. His deportment in several emergencies is criticised or questioned; but without harshness, and with credit for his honourable intentions and natural feelings. If he had been himself asked by our author for an explanation of his conduct in ambiguous instances, the inquirer would, no doubt, have been answered, with good faith, and the historian saved some expressions of wonder, and surmises of motive, which are both awkward and erroneous. “*La Fayette*,” it is said, “though fixed in his principle to preserve monarchy,—though it was his object to protect and defend the monarch, in dignity and person,—seems to have been always on cold and distrustful terms with Louis, personally.” Now, *Madame Campan* and the *Marquis de Ferrières* have made it certain by their *Memoirs*, that the coldness and distrust were, in fact, on the side of the royal pair, who, almost as openly as unwisely, disdained him for a protector or friend. It has been our impression, since we scrutinized the details of *La Fayette*’s conduct during the period of his connexion with the revolution, that his abilities and energy have been underrated; and this, from a common mistake or delusion more reputable to his character than to human nature in general. He truckled neither to the Bourbons, the Jacobins, nor Napoleon; he braved them all, indeed, in support of his tenets. But want of superior talent and spirit is often presumed, when there is not an unlimited, profligate daring as to every object deemed desirable: a ruthless, reckless audacity passes for supreme genius and resolution. Men worship victorious guilt as they applaud prosperous folly—they see all capacity and nerve in the one, all wisdom and tact in the other. Moral principle and moral courage, real, effective merits, busy and sturdy powers, but which compel abstinence from usurpation on national or personal rights, and tenderness of the blood and weal of our fellow-creatures, are interpreted by vulgar minds into pitiable deficiencies and weaknesses; they are accounted obstacles to success in critical junctures, and to the attainment of absolute dominion, deserving rather of regret or contempt, than congratulation or homage. *Lafayette* was upright, conscientious, and humane; hence, he did not achieve all that opportunity may seem to



have invited: he submitted to the restraints of probity and benevolence; was afraid of unworthy life; satisfied—

“In every *virtuous* act and *generous* strife  
To shine the first and best.”\*

And his present situation is an example of the comparative expediency or safety of the course which he pursued: he survives in true glory, in unique felicity:—the supple courtiers, the aspiring demagogues, the ambitious conquerors, the stout conspirators, the merciless and remorseless Robespierres and Dantons, the all-witted, all-grasping, omnipotent Napoleon, with their ready vigour and desperate hardihood, have fallen from the pinnacles, and “pashed themselves in pieces.”

Sir Walter severely reprovcs the arrest and imprisonment of La Fayette, by the allied kings, on his escape from his infatuated army; he stigmatizes, too, like Burke, with his deeply searing, indelible brand, the treatment of the French emigrants generally, at the courts and in the armies of the coalition. Though no friend to the “Church of Rome”—against which, in his first volume, he levels blows, some of which manifestly reach the “Church of England;”—he pays a free tribute to the principled consistency of the vast majority of the French clergy, in devoting themselves to every form of wo and death, rather than take the constitutional oath: he does not spare the infidel fanatics, who threw off God and the Christian religion; and in commemorating the baleful law of divorce, employs language which we cannot refrain from repeating.

“If fiends had set themselves to work to discover a mode of most effectually destroying whatever is venerable, graceful, or permanent in domestic life, and of obtaining at the same time an assurance that the mischief, which it was their object to create, should be perpetuated from one generation to another, they could not have invented a more effectual plan than the degradation of marriage into a state of mere occasional cohabitation, or licensed concubinage. Sophie Arnould, an actress famous for the witty things she said, described the republican marriage as the sacrament of adultery.”

Along with an evident desire to be tolerant and lenient with regard to the French nation, and all excusable irregularities and extremes, in the inspection of the revolutionary period, our author preserves an unyielding and masculine tone of morality on main and unequivocal points of vice and virtue, which is to be warmly commended. We may incidentally compliment him further, by saying, that we do not remember to have

\* See Mignet, vol. i. chap. 5, for a proper panegyric on La Fayette.

encountered, in any of his numerous works—every one of which, we believe, we have read from the title to the colophon—a single lewd phrase or image. Having written no line which, in that respect, he could wish to blot, he was entitled to pass sentence on the Voltaires, the Rousseaus, the Diderots, the Marmontels, the Montesquieus, “from whose works the young and virtuous must either altogether abstain, or peruse much that is hurtful to delicacy and dangerous to morals.”

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ART. X.—*Almack's; or, Fashionable Life.* 3 vols. 8vo. London: 1827.

THE unexampled reputation acquired by that long series of productions called the “Waverley novels,” has in some measure given a decided direction to the literary taste of the times in which we live. Almost every thing a writer has to say, is now detailed to the world in the semblance of a novel. Religious discussions on points of faith; philosophical disquisitions; party disputes; satirical strictures; and even authentic travels, are now, for the most part, embodied in this seductive form; and scarcely any writer can expect his book to be read, unless it steal upon the world under the fashionable form of a romance, and is animated by a vein of piquant fiction and adventure, sufficient to vivify the intolerable dulness of mere matter of fact. Thus it is that a popular author sets the fashion in literature, as a modish lady does in dress. A complete revolution has been achieved within a few years, in the waists of our fair countrywomen, and the reign of flowers, cuffs, and ruffs, restored by the return of the Bourbons, and the ascendancy of the dutchess of Angouleme; while, during the same period, the whole world has been turned into a circulating library, for novels, by the influence of the “Great Unknown.” Since it became the whim in high life to be literary, fashion has been substituted for taste, and an author who writes out of fashion, has no more chance of being admired by the *beau monde*, than a beau or a belle that dresses in utter defiance of the prerogative of the ruling *mademoiselle des modes*.

We will not at our outset quarrel with this subserviency of literature to fashion, because if the truth were known, it would probably appear, that although literature be content to go in the train of fashion, it is only in the path where, in the first instance, it was a leader. A popular writer first sets the fashion, to which he and all his disciples are afterwards doomed

to be abject slaves, until the tide changes, and some new author, like some new face just launched upon the town, makes his appearance, and turns the heads and figures of the fashionable world upside down, or inside out, just as the whim takes.

Among the infinite varieties of this all pervading species of literature, one of the most amusing, we will hardly say instructive, is that of the fashionable novel, which professes to exhibit and to satirize the *beau monde* in the persons of some of its notorious and acknowledged leaders. There is something so seductive in great names and high stations, that even their very vices and follies are quite taking; and those who would shrink in utter disgust from the vulgar peccadilloes of a drunken cobbler, will dwell with right marvellous complacency upon the very same peccadilloes exhibited in the person of a right honourable. Hence it is that this species of satirical novels, if written with any tolerable degree of spirit, is ever sure to attract particular attention. The *beau monde*, which they profess to exhibit, will read for the purpose of seeing themselves or their friends held up to ridicule or contempt; and those who flutter outside the magic circle, will look into the mirror to see what is passing within.

Such works as the one which has been the occasion of these observations, will therefore be sure to find readers, and as a matter of course, writers. Yet, to us Americans, it is quite inconceivable with what freedom these satirists introduce individuals, if not by name, at least in such graphic outlines as that they cannot be mistaken, at least in the society in which they move. The freedom of the press in this country, is almost entirely that of opinion; and such is the decent sense of propriety cherished by the people of the United States, that out of politics and public life, a personal attack on the character, conduct, and manners of an individual, is considered an outrage, always checked by the sentiment of society, or a more summary process on the part of the person assailed. In this respect, there is far more licentiousness of the press in England than in these United States; a license, however, which we think by no means desirable, as it places the feelings of domestic life almost entirely at the mercy of malicious or interested scribblers. The proper sphere of women especially, is that of private life; and it is only when they step out of its hallowed precincts, and recklessly brave the opinions of the world, as well as the forms of society and the decorums of life, that they are fit objects of criticism. They are then public characters—their example and influence operate upon the manners and morals of society, and they become proper subjects for public satire.

Still it bespeaks, we think, either a want of sensibility to the censures of the world, or a want of spirit in the male individuals, either personally held up to public ridicule, or nearly connected with females that are thus assailed, that so far as we know, none of these censorious productions have led to a single breach of the peace. Perhaps, and we rather opine such is the fact, the love of notoriety supersedes the sense of shame, and the votaries of fashion, rather than pass without observation, are content to be held up to public ridicule and contempt, as in the work before us. It is, however, we think, evidence of a bad state of morals and society, when it is considered a compliment to be made infamous or ridiculous. It is also, we think, evidence of a bad state of the public press, when the restraints of political discussion are compensated by an unlimited freedom in the propagation of private scandal. But we should never be done, were we to follow out these reflections.

The title of the book under consideration, is "*Almack's*," and the motto is "Nothing extenuate, nor set down aught in malice;" indicating that the author professes to be quite impartial. In the notices of English journalists that we have seen, it is acknowledged to be a correct delineation of fashionable manners, given, however, a little in the spirit of a satirist. If so, it is idle for the English writers to talk about the artificial heartlessness of Parisian society. The Baron de Grimm's pictures may be fairly compared with those of our author. The characters, with the exception of a sentimental young man, and a sentimental young lady, together with an old English squire, introduced, we presume, to give the book a spice of Romantic fiction, seem actuated by but three passions, the love of notoriety, the love of intrigue, and the love of money; the latter always opposed to family pride, and always conquering in the end. The book is a gallery of portraits, which, taken as they profess and are acknowledged to be, from real life, do little honour to the family which sat for the likenesses.

Gentle reader! it is perhaps a moot point whether thou hast ever heard of "*Almack's*," except through the medium of some obscure allusion in the British publications. *Almack's* is a suite of public rooms in the fashionable part of London, sacred to subscription balls, subscription concerts, and subscription masquerades. It is a little *imperium in imperio*—an empire of fashion, whose importance consists in the smallness of the size, and the difficulty of getting into it. It is like our District of Columbia, a privileged place, entirely governed by its own laws, and independent of the surrounding states. It derides king, lords, and commons, and bids defiance to my



lord mayor and the bench of bishops. Neither his Majesty nor his Lordship, though the former is the father of the people, and the latter of the city, have any voice in the government of this privileged spot, hallowed from the intrusion of temporal and spiritual power, except in the person of an exquisite parson, or a city officer, subsidized—for what, we pray ye?—to keep the peace among rival dowagers, rival widows, rival wives, rival maids, and rival chasseurs, hussars, horse grenadiers, and ferocious dandies.

This invincible little empire, like that of the Amazons, is entirely under the dominion of females; self-appointed, self-sufficient, despotic, and uncontrollable—even by their husbands. The latter, we believe, are not even admitted to these sublime orgies, except on condition of making love to other men's wives, and suffering their own to be made love to, by every body else's husbands. The censorious writer of the Book, affirms, that a certain lady Hauton, together with ladies Stavordale, Bellamont, Wallestein, &c. hold the reins of government at present; and scandal affirms, with its brazen trumpet, that lady Hauton is no other than the notorious lady Jersey—lady Stavordale stands for the dutchess of Bedford—lady Bellamont for the countess of Sefton—lady Wallestein, for the countess of Lieven—wife to the Russian minister—or princess Polignac, wife to the minister of France—and lady Birmingham for Mrs. Bellamont. The male characters, having no voice in the government of the empire of Almack's, are not of sufficient consequence to be deciphered. What a pleasure for us plain republicans to be introduced into such lordly and princely society!

This regency, as might be expected, from its being composed entirely of married ladies, knows no law but its own will. It admits or excludes whomsoever it pleases; and no lord nor lady, nor potentate, can enter the confines of Almack's without their permission. Even the hero of Waterloo, the very pink of war and gallantry, as well as the hero of mixed metaphors, the late lord Londonderry, could not gain admittance into Almack's, though the former applied the whole force of his military talents, to take the place by storm; and the latter tried to sap it with long speeches. In vain had they kept company with continental kings; they could not soften the flinty hearts of the queens of Almack's. It will be found, in the history of that droll animal, man—and of that inexplicable of all inexplicables, a fashionable man or woman—that it is only necessary to shut them out, to make them exceedingly anxious to get in—almost, nay quite as anxious as they are to get out, when you shut them in. Man is after all but a grown school boy, always

striving to get out of his bounds, though it be only to invade a pig-stye, or tumble into a ditch.

The moment it was found there was great difficulty in getting into Almack's, every body became fashionably crazy to get there. A card of invitation was better than a patent of nobility, and sixty quarterings; insomuch that a noble descendant of the old Talbots, publicly declared, that he would resign all the glories of his ancestry, only to dance one single quadrille at Almack's with lady Hauton. Armies of exquisites, corinthians, chasseurs, hussars, horse guards, and heroes of the peninsula, besieged the dowagers of the regency of Almack's, and their waists became thinner than ever with disappointment. It is credibly reported, that a colonel in the guards, upon being refused a ticket for Almack's, got a furlough, went to Greece, and in an agony of despair, held out his head to be cut off by a bashaw of three tails. You could tell a man who belonged to Almack's by the triumphant attitude of his nose, and the sparkling of his eye. Nay, it was whispered, that a knight commander of the Bath, offered his cross for a ticket at Almack's.

As to the young ladies, and the mothers of young ladies, just coming into the world—we do not mean just born—but just come to the age of matrimony, they all got a desperate fever, which Sir Henry Halford called the Almack plague. The dowagers of the regency of Almack's, each received, on an average, hundreds of invitations a day, to dinners and evening parties—besides innumerable presents of pine apples, early strawberries and peaches—Newtown pippins, and offers to lend money. At cards they won as much as they pleased, from the candidates for Almack's, who thought to conciliate them by such little attentions; and the lady of a city knight ruined her husband by these propitiatory sacrifices to obtain a ticket. Never was there such a despotism, and never such extreme anxiety to be governed by it.

Youth, beauty, fortune, rank, talents, all passed for nothing—unless the possessor had a ticket; nor could any young lady, without this patent of distinction, whatever might be her claims to fashion or attention, expect to be noticed by the exquisites, corinthians, hussars, chasseurs, and horse guards, in the presence of ugliness, vulgarity, and stupidity, having a ticket for Almack's. The halo of genius, the power of public station, the glories of military renown, and all other claims, sunk into nothing, when compared to the possession of a ticket for Almack's.

The reader will be tempted to ask, in what consisted the value of this unequalled distinction? The mere difficulty of

obtaining it. It is in fact one of the dullest places in the kingdom, and as will appear by subsequent extracts, frequented by people, not a great deal better than they should be. It is a suite of rooms where fashionables meet to dance, flirt and intrigue. But every fashionable person, that is to say, every person having a fair claim, cannot be admitted, except by a decree of the regency; and for that very reason, there is no such thing as enjoying a moment's peace in the world of fashion, without a ticket for Almack's. Such is the magic of *exclusion*, in the fashionable world, and such the singular importance of being able to get where other people, and especially our particular friends, are not admitted. Of all the manias of this mad world, the mania of fashionable eagerness to be somewhere where every body can't be, and to see something every body can't see, is the most fierce and ungovernable. All the passions put together, do not produce half the excesses of this passion for the *exclusive*. But let us hear what the author says for himself.

There is a thin vein of a story, by which the three volumes are held together, consisting of the loves of a certain colonel Montague, principally distinguished by being very tall and sentimental; and a Miss Birmingham, the only child of a rich manufacturing baronet, and certainly almost the only female of the whole *dramatis personæ* that a sensible man would ever think of marrying. The work, however, consists principally in detached scenes, incidents, characters, and conversations, full of variety, and managed with considerable spirit and address, although they will not bear a comparison with the better sort of English comedies. Still they are clever in many instances, and would be amusing were it not for the utter heartlessness and nonchalance, not to say downright maliciousness, with which people, connected by kindred ties and long habits of intimacy, speak of each other. We have sketches of fashionable life in the country and in London—neither of them much calculated, we should think, to give us a high idea of the morals or even boasted manners of the *haut-ton*. The so much talked of inexplicable, indefinable, and inimitable, ease of high breeding, if we may believe our author, consists in saying and doing just what we please, without the vulgar accompaniment of blushing. Attachments, affairs, &c. between married people, are talked of as matters of course; and the young ladies do not scruple to discuss accouchements, and crim-cons, in public, with as little ceremony as dresses and balls.

Much of the book is occupied with the conversations, intrigues, and manœuvrings of a fashionable party of intimate friends collected at the country house of a certain lord Nor-



bury, a dull prosing politician, with a fashionable managing wife, and a fashionable, clever, but heartless daughter. Our author thus sketches the party, its amusements, and opinions of each other:—

“Who does not know the pleasure of a large party of *distingués* in a country-house; where the host and hostess have to supply amusement and conversation, from morning till night, to a set of people of whose tastes and dispositions they probably know nothing; where one part of the company are strangers to the other, and where the acquainted and unacquainted are alike indifferent to each other?—the few at the height of *ton* looking down with contempt on their servile followers; those half way up the ladder pushing down the steps by which they mounted; and the greater part at the bottom affecting philosophic contempt of the eminence to which one and all are alike endeavouring to attain. Who has not seen or felt all this, whether in high fashion, or middle fashion, or no fashion at all? And yet, notwithstanding the truth of this description, do not we see every day the delight with which lords and ladies, and masters and mistresses of country-houses, high-born and high-bred themselves, collect a party of people together, whom they neither like nor esteem, with infinite trouble and expense, because, *par hazard*, the invited are supreme *bon ton*, and move in what is thought a higher circle than that of the inviters?

I verily believe, that no where is *ennui* more intolerably felt than in a large party of fashionable loungers, assembled together in a gay country-house. What so difficult as to fill up the hours between breakfast and dinner, so as to amuse a number of persons who are indifferent to each other? When the gentlemen have visited the farm, and the piggeries, and out-houses; and the kitchen garden, with its conservatories, mushroom establishment, hot-beds, and hotter walls; inspected the stables, and admired the hunters and coach-horses, what is there left to do, unless the post should opportunely come in just then? And what with newspapers of different sides, and letters to receive and answer, an hour or two may be got over comfortably enough.

The ladies, meanwhile, have the flower-garden, the conservatory, and green-house, to visit and discuss; waltzes and quadrilles to try over and copy; some new novel, if French so much the better, to lounge with in a great chair, or to carry up to their own apartments; then there is new work, or new patterns, to admire and learn; portfolios of lithographs and caricatures, splendid albums, and illustrations of scenery in various parts of the world. Besides these resources, if the day be fine, after luncheon some may take long rides over dirty splashing roads, or longer drives in a shut up carriage. And yet, notwithstanding all these efforts, time will often move with them most tediously.

Not, perhaps, if all the party be of the same humour; but in a



large society there must always be cabals and caballers,—one or two persons sent to Coventry by the rest for no very good reason: the persecutors having all the fun, and the persecuted perhaps meeting with little pity.

Our party at Norbury, however, on the whole did very well, at least to all outward appearance; *le dessous des cartes* was not seen, and it was of little consequence if one or two, more penetrating than the rest, saw through the veil which general politeness cast over every thing and every body.

Lady Norbury pronounced the party quite delightful! so perfectly exclusive! Her ladyship seemed to feel the truth of what lady Birmingham had once very vulgarly expressed, "We people of fashion ought to be all acquainted;" and yet lady Norbury thought the Derwents perfect humdrums. The duke was such a cipher, his whole life seemed to be a course of civility, he was always of your opinion:—what could be so insipid? The dutchess was a *precieuse*, a *raisonneuse*, too good by half—Lady Norbury thought she must be a methodist. She was always in a state of probation, as if saying or doing disagreeable things was a virtue.

Lady Mary was better, but such a Goth in her ideas, so unlike most young women of fashion, the countess had no patience with her. Then, above all things, her ladyship hated blues: so lady Tresilian could find no favour with her. Lord Tresilian might be wiser, perhaps, but he was full as dull as his father, and twice as ugly.

Then lord Glenmore was sadly changed from what he used to be; grown quite rustic, and so ridiculously taken up with such a little baby of a wife! Perhaps *she* might be called pretty, but she was so very young, so insignificant. Then such a fuss about her situation; if she was so delicate, why did not she stay at home till she had produced an heir? Such were the countess's observations in a letter she wrote to Miss Maria Molyneux.

How angry would lady Norbury have been, had she seen another, which lord Hazlemere wrote during his visit to Norbury, to his dear friend lady Hauton, in which he said,—

"Nothing can be so wretchedly dull as my *sejour* here, at your good uncle's; a sort of apeing of *ton* throughout the whole business, which, as your ladyship knows, cannot be caught. The earl talking big; the countess so cold, *si glaciale* in all her ways, perfectly odious, acting the *grande dame de chateau*. Then all the old tapestry of the county turned out, to make a grand party—the Derwents and Tresilians;—you may imagine how I am *déplacé*d among such high mightinesses, such wise heads. Lady Anne is just now radiant in beauty, throwing herself away on that creature Dorville; she is ruining in this set; we should really try to emancipate her. She has a formidable rival here, in a pretty Miss Mildmay, an H—shire Miss, it seems; a mere nobody, but she has been much abroad, and has got that air, *qu'on ne*

*prend qu'à Paris.* She is to be in town, with the new Austrian ambassadress: I am sure she will take: I recommend your ladyship to produce her at Almack's, she will do you credit, and you know *que je m'y connois.* There is also a certain colonel Montague here, brother to this same ambassadress: all the world seem to adore him; and so, of course, I cut the man, and hate him. He is a sort of person I make a rule to avoid, who always appears to look above you.

'My uncle Glenmore, the stern patriot, the man of the people, the political hero,—thinks of nothing but his little wife and his expected heir:—and what is more, I do not wonder at him; for indeed, lady Glenmore would turn any man's head with her beauty and innocence. I should find no difficulty in falling desperately in love with her myself; indeed, I wish for no better amusement; and when once the precious child is born, she will have plenty of time on her hands. Conceive my feelings as I walk about the woods at Glenmore, which I have so long looked upon as my own, while my infatuated uncle talks to me as if he hoped to have a dozen children. Mordaunt is here, doing nothing; what can he mean? He knows Rochefort is at Paris: I do pity that sweet woman; wretch that he is not to fly to comfort her. Tell me all about your theatricals. When do you go to town? When will Almack's want you? How goes on the feud with old Lochaber? I shall fly from Glenmore as soon as I can; but they want me to play at picquet with my little aunt, while her *dear* old lord takes his nap of an evening! No news of Killarney that I can hear; lord George knows nothing about him, so I did not mention what I had heard. *Je vous baise les mains, ma chère Comtesse,* and am ever,

'Your devoted servant.

'HAZLEMERE.'

'What a very accomplished woman lady Tresilian seems!' said Louisa one day, to lady Anne, as they were walking round the shrubbery in the afternoon.

'Yes, indeed, accomplished at the extremities; as my grandmother used to say of any girl who played or danced well.'

'A charming countenance she has! so full of genius and expression. I thought last night when she was singing '*Di tanti palpiti*,' that she looked like an angel.'

'Dear! did you?' said lady Anne; 'well, I know nothing of angels, if she is one. And now, pray what do you think of her dress, Louisa? what says your French taste to that?'

'Oh! I cannot defend her dress, certainly; so handsome as she is, to make such a figure of herself, it is quite extraordinary; particularly one who studies the antique so much.'

'That is the very reason: she is always trying for effect: so to-day she dresses after a Murillo; to-morrow, perhaps, she will be Reubens's wife. In the morning, she is Mary queen of Scots

or the Lady of the Lake; in the evening, Raphael's madonna or Titian's mistress. That is what I call thorough bad taste: like an actress or an artist, if you please, but not a fit style for a woman of fashion.'

'The French would suppose she was in a costume,' said Louisa; 'they have often said to Englishwomen, *Madame est en masquerade.*'

'And they are quite right,' said lady Anne; 'it is, to my fancy, the extreme of bad taste to dress differently from other people. Such affectation spoils beauty, and makes ugliness more conspicuous.'

'Well! I give up her dress; but, my dear lady Anne, if you never admire any Englishwoman who does not dress well!—'

'I shall not have many to admire, I suppose you mean to say, my dear Parisian *belle*;—but now, really, do you think lady Tresilian so very agreeable?'

'Indeed I do: she has so much eloquence and enthusiasm in her conversation, such a memory for poetry.'

'Oh! she makes me sick of learning and quotation. Lady Glenmore's nonsense is far more amusing, because it is so perfectly natural. After one of lady Tresilian's grand bravuras, sung with so much science and skill, one of little Rosa's Indian airs or Irish melodies is such a treat; your own Venetian barcarolles, and French romances, never sound to so much advantage.'

'I do not think the dutchess and lady Mary suit lady Tresilian,' observed Louisa.

'How should they! all their ideas are centred in feeding poultry, and potting plants; accomplishments they think waste time, and learning in a woman quite wicked; it belongs to the men along with their dress.'"

So much for amusements and good feeling among the "distingués" in the country. The following furnishes a curious sketch of manners among the same privileged class. Lady Glenmore is one of the most amiable and least exceptionable of the coterie—the youthful wife of a very respectable old marquess, in the fair way of an heir:—

"In the evening, lady Glenmore was much fatigued; and, according to the fashion of the present day for ladies in her delicate situation, she lay on the sofa all her length, and, much to the dismay of the dutchess, she did not even think of changing her position when the servants came in with coffee. Lady Norbury was all attention, raising and lowering the cushions according to the fancy of the little marchioness, who talked a great deal of childish nonsense upon the occasion; at length she exclaimed, 'Oh! lady Anne; do you know I have got a promise from my lord, that I shall go to Almack's when I am in town? that is, if I am pretty well. I told him I would lie on the sofa now as long



as he pleased, if he would promise me that; and so he did, and I took care to have a written agreement about it. I do so long to go there; and I am to know lady Hauton too, and I hear she is so agreeable.' ”

One of her ladyship's dearest friends, domesticated under her roof, thus characterizes lady Norbury and her daughter lady Anne:—

“ ‘Oh, there's no telling about them. Lady Anne is all caprice; and lady Norbury so uncommonly odd,—if they don't get on with other people, she will very likely patronise them in order to be singular; just now she abominates them all, because my lord has taken them up. However, Miss Birmingham is really a handsome girl; I saw her at that election ball at Merton last week. She is the sworn friend of these Mildmays; and now that this colonel Montague is in such high favour here, and brought forward by them, the whole coterie may very likely advance; indeed, I, for one, expect it.’ ”

But it is seen anon, that her ladyship is even with her guests.

“ ‘Well, thank God! at last they're all gone,’ said lady Norbury, with more vivacity than was common to her. ‘I must say, company in the country is a great fatigue; playing at conversation all day long is such a bore. Now I shall have time to answer some letters before we go to town.’ ”

It would seem, indeed, that the ladies of ton, young and old, are very free spoken. The following samples will suffice—the first is from the conversation of two young ladies:—

“ ‘Odious man!’ said Louisa, with indignation; ‘how you make me hate him! And pray, Lady Anne, what sort of person is the famous lord Killarney, lord George's brother?’ ”

‘Oh, I must say nothing against him, for you know, or perhaps you do not know, that he is the man, mamma, in her secret heart, would like me to marry: from my very cradle I have been set out for him. He is very handsome, very agreeable, very good for nothing, very extravagant—the greatest *roué* in Europe, perhaps. No one can withstand him, man or woman. If you believe me, he has neither principles nor honour; he is the soul of whim and pleasure; every thing by starts, and nothing long. Conceive what a prospect before me, to expect to be the wife of such a man! cold water thrown on every proposal that has hitherto been made to me, that I may remain single till his return, that he may throw his handkerchief at his poor cousin's feet, if he pleases:—this is the fate reserved for Anne Norbury; and my haughty mother will not care if I should break my heart, so that I hold my head high as marchioness of Allandale. Ah! Louisa, I could envy you your brighter prospects, for George would make any



woman happy. Killarney has been years abroad, but he is soon expected home. Report says he has some woman of fashion travelling with him as his mistress, to whom he is entirely devoted. He went abroad after a *crim. con.* affair; he was unable to pay the damages, and he refused to marry the victim of his perfidy. But, hark! I hear these men again; let us avoid them. How late we have stayed out by the light of the moon! there is the dressing-bell; and her ladyship turned into the vestibule, repeating, in a careless manner,

‘Je vais donner une heure au soin de mon empire,  
Et le reste du jour sera tout à Zaire.’ ”

This is nothing, however, to the Queen of Almack’s, lady Hauton—take the following sketch of lady Stavordale, one of the Regency of Almack’s:—

“ ‘Foremost in rank is the dutchess of Stavordale, who is as good-natured as she is fat—*c’est beaucoup dire*, you will allow—but without dignity or spirit; but she is the most popular of the Patronesses, because she cannot be high to any body: *Enfin, c’est une mère de famille*, without fashion or pretension. \* \* \*

She is just fit

‘To suckle fools, and chronicle small beer.’ ”

The following colloquy takes place between her ladyship and a fashionable colonel and his friend, at the first public night, at Almack’s, on the entrance of lady Glenmore:—

“ ‘Does not your ladyship think there may be some danger of the accouchement taking place at Almack’s?’ said the everlasting gossip Leach.

‘Fie! you naughty man?’ replied the Countess.

‘Let us put it about,’ said Trefusis. ‘A young lord Grandison produced in Willis’s rooms! Your ladyships would be obliged to be godmothers. He would be patronised from his birth, *né coiffé!*’ ”

We might quote a great number of similar witticisms upon the situation of the little marchioness, who, though altogether an amiable woman, and the wife of a most respectable man, seems to be introduced into the work for no other purpose than to afford a subject for these delicate allusions. But we refrain, in the apprehension of making our male readers blush. The last stage of profligacy in females is indicated by grossness in conversation. We should hope, for the credit of English manners, that the tone of conversation which pervades the whole of these volumes, is exaggerated; and for the credit of English morals, that the system of educating young women of fashion, for the sole purpose of throwing them away upon young rakes and old debauchees of rank and fortune, is not so

prevalent as is here represented. Nothing can be more singularly contemptible than the system of manœuvring among mothers and daughters, as exhibited by our author, to obtain establishments, at the price of sacrificing the latter to age and worthlessness. It indicates a state of society, which will make a reflecting American rejoice, that as yet there is here no privileged order of men and women, who can brave not only the decorums, but the moral obligations of society, without at once sinking into contempt and insignificance.

Although there is a lively and piquant vein of conversation and small incident running through the work, it wants interest—in fact it wants heart, both in the dialogue and incidents. The former is often spirited and amusing enough, but as we before observed, by no means equal to the tone of good comedy. The latter consists in little exhibitions of fashionable struggles for notoriety—mortified vanity—flirtations of married women and men—and manœuvres of young ones to catch husbands, among ruined young rakes, or superannuated gouty gentlemen, whose rank or wealth outweighs their infirmities. We behold married women angling for cicisbeos for themselves, and husbands for their daughters—husbands returning the compliment by neglect and infidelity—daughters ridiculing their parents, and anxious to marry, only to follow their examples—guests quizzing their host and hostess, and quizzed or hated by them in turn—honest men called *boreds*, and *roués* divine. All the beautiful illusions and anticipations of youth, which, if not virtues themselves, are the parent of virtuous habits and enjoyments, appear among these people, only as objects of ridicule; and the desire of being good, is buried in the determination to be fashionable. Even the author himself partakes of this moral taint; and it is impossible not to perceive, by his mode of expressing himself, that he is far more indignant at the pretensions of the lady patronesses of Almack's, to the prerogative of the exclusive, than at all their other transgressions. While he amuses sometimes, he often sickens us; and laughter at the follies he portrays, is overpowered by disgust at the vices by which they are accompanied.

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*L. G. Haylin*

ART. XI.—*Symmes's Theory of Concentric Spheres; demonstrating that the Earth is hollow, habitable within, and widely open about the Poles.* By A. CITIZEN OF THE UNITED STATES. Cincinnati, Ohio: 1826. 12mo. pp. 168.

THE earth is nearly eight thousand miles in diameter, and the deepest excavations that have been made in it by human art, do not extend to half a mile below its surface. We are, therefore, utterly ignorant of the nature and constitution of the interior of this immense mass, and must, perhaps, for ever remain so. The subject is of too much interest, however, not to have excited the particular attention of philosophers, and, in the absence of facts, many of them have not hesitated to resort to speculation and conjecture.

Dr. Burnet, the earliest cosmogonist whose system is worthy of notice, supposed that the earth was originally a fluid, chaotic mass, composed of various substances differing in form and density. In the course of time, the heaviest portions subsided, and formed about the centre a dense and solid nucleus. The waters took their station around this body; on their surface floated an ocean of oil and unctuous matters; and the whole was surrounded by the air and other ethereal fluids. This atmosphere was at first full of impurities, being charged with particles of the earth with which it had been previously blended. By degrees, however, it purified itself, by depositing these particles upon the stratum of oil; and there was thus formed a thick and solid crust of mould, which was the first habitable part of the globe. After many centuries, this crust, having been gradually dried by the heat of the sun, cracked and split asunder, so as to fall into the abyss of waters beneath it; and this great event was the universal deluge. Our present earth is composed of the remains of the first; our continents and islands being portions of the primordial crust, from which the waters have retired.

Dr. Woodward, who immediately followed Burnet in this career of speculation, supposed that the bodies which compose the earth, were all dissolved or suspended in the waters of the general deluge; and that, on the gradual retiring of the waters, these substances subsided, successively, in the order of their specific gravities; so that the earth is now formed of distinct strata, arranged in concentric layers, "like the coats of an onion."

Whiston supposed the original earth to be a comet, having, like other comets, a very eccentric orbit; and, therefore, sub-

ject to such extremes of heat and cold, as to be uninhabitable. At the period of the creation described by Moses, the earth was placed in its present orbit, which is nearly circular, and was in consequence subjected to a great variety of important changes. The heavier parts of the chaotic atmosphere, by which the comet was surrounded, fell gradually upon the nucleus, and formed a great liquid abyss, on which the crust of the earth was finally deposited, and now floats. This crust, and the subterraneous fluid, are each fifty or one hundred miles in thickness; and within them lies the solid nucleus or original comet, which contains another rarer fluid, and a central loadstone. Thus, says this philosopher:—

“The interior or entire constitution of the earth, is correspondent to that of an egg: where the central solid is answerable to the yolk, which by its fiery colour, great bulk, and innermost situation, exactly represents the same: where the great abyss is analogous to the white, whose density, viscosity, moderate fluidity, and middle position, excellently express the like qualities of the other: where the upper orb, or habitable earth, corresponds to the shell, whose lightness, solidity, little inequalities of surface, and uppermost situation, admirably agree to the same.”

The deluge was caused by the near approach of a comet, which, by its strong attraction, caused the waters of the great deep to break through the crust which enclosed them, and which also furnished a vast mass of vapours from its own atmosphere.

It will be observed, that all these theories agree in supposing the earth to be composed of successive shells, placed one within the other. The great astronomer, Halley, also adopted the hypothesis of a sphere revolving within the earth, in order to account for the variation of the magnetic needle, and in this opinion he was followed by Euler; so that the theory of “concentric spheres,” has been one of the oldest and most prevalent in geology.

The theory of the celebrated Buffon is very generally known. He supposed that the earth was struck off from the sun by a comet, and was, therefore, at first, no more than an irregular mass of melted and inflamed matter. This mass, by the mutual attraction of its parts, assumed a globular figure, which its rotary motion, caused by the obliquity of the first impulse, changed into a spheroid. The interior of the globe is, according to this theory, a vitrified mass, which the author maintains to be homogeneous, and not, as is generally thought, disposed in layers following the order of density.

These are the most remarkable theories that have been



presented, on the subject of the structure of the earth. It is proper to remark, that they were the productions of men of genius and learning; that they were maintained by arguments full of plausibility, and, even now, difficult of refutation; and that they attracted great attention, and made many proselytes. Yet, such is the just destiny reserved for all extravagant and romantic speculations, that, at the present day, they have not a single advocate or believer, and are mentioned only to be condemned.

But these philosophic fancies have all been far outdone by the theory of our countryman *captain Symmes*, who, for the last nine or ten years, has been using every exertion to convince the world of its past errors, and to inculcate his own new and true theory. The newspapers have teemed with essays; circulars have been addressed to all the learned societies of Europe and America; addresses and petitions have been presented to our national and state legislatures; certificates of conviction and "adhesion" have been procured from men in high literary and political stations; the master and his disciples have traversed the whole country, from south to north, and from west to east, so that all men, in all places, might be enlightened in the truth; and, finally, the whole subject has been reduced to a regular body of doctrine, in the work now under review, written by "one of the believers in the theory."

Let us hear, from the author himself, a statement of this famous theory. It is presented as follows, in his second chapter:—

"According to Symmes's Theory, the earth, as well as all the celestial orbicular bodies existing in the universe, visible and invisible, which partake in any degree of a planetary nature, from the greatest to the smallest, from the sun, down to the most minute blazing meteor or falling star, are all constituted in a greater or less degree, of a collection of spheres, more or less solid, concentric with each other, and more or less open at their poles; each sphere being separated from its adjoining compeers by space replete with aerial fluids; that every portion of infinite space, except what is occupied by spheres, is filled with an aerial elastic fluid, more subtle than common atmospheric air; and constituted of innumerable small concentric spheres, [open at the poles?] too minute to be visible to the organ of sight assisted by the most perfect microscope, and so elastic that they continually press on each other," &c.

The author here indulges himself in a dream respecting these infinitesimal spherules, but, after some time, returns to the more substantial part of the theory.

"According to captain Symmes, the planet which has been designated the Earth, is composed of at least five hollow concentric spheres, with spaces between each, an atmosphere surrounding each; and habitable as well upon the concave as the convex surface. Each of these spheres are widely open at their poles. The north polar opening of the sphere we inhabit, is believed to be about four thousand miles in diameter, and the southern about six thousand. The planes of these polar openings are inclined to the plane of the ecliptic at an angle of about twenty degrees: so that the real axis of the earth, being perpendicular to the plane of the equator, will form an angle of twelve degrees with a line passing through the sphere at right angles with the plane of the polar openings; consequently the verge of the polar openings must approach several degrees nearer to the equator on one side than on the other. The highest north point, or where the distance is greatest from the equator to the verge of the opening in the northern hemisphere, will be found either in the northern sea, near the coast of Lapland, on a meridian passing through Spitzbergen, in about latitude sixty-eight degrees, or somewhat more eastwardly in Lapland; and the verge would become *apparent*, to the navigator proceeding north, in about latitude ninety degrees.

The lowermost point, or the place where the distance is least from the equator to the verge of the northern polar opening, will be found in the Pacific ocean, about latitude fifty degrees, near the north-west coast of America, on or near a meridian running through the mouth of Cook's river, being in about one hundred and sixty degrees west longitude, the real verge being in about latitude fifty degrees and becoming apparent to a person travelling northward at right angles with the magnetic equator, at the distance of about twelve hundred miles further. The verge varies progressively from the lowest to the highest point, crossing the north-west coast of America between latitude fifty-two and fifty-four, thence across the continent of North America, passing through Hudson's Bay and Greenland, near cape Farewell; thence by mount Hecla to the highest point; thence tending gradually more to the south, across the northern parts of Asia, at or near the volcanoes of Kamtschatka, and along the extinguished volcanoes of the Fox Islands, to the lowermost point again, near the north-west coast.

In the southern hemisphere, the highest point, or place where the distance is greatest from the equator to the verge of the polar opening, will be found in the southern Pacific ocean, in about latitude forty-six degrees south, and perhaps about longitude one hundred and thirty degrees west; and the lowermost point, or place where the distance is least from the equator to the verge of the opening, will be found on a meridian south or south-east of the island of Madagascar, in about latitude thirty-four degrees south, and longitude about fifty degrees east; thence passing near

the cape of Good Hope, across the Atlantic ocean, and southern part of the continent of America, through a chain of active volcanoes, to the highest point; thence bearing regularly toward the lowest point, passing between the two islands of New-Zealand, or across the most southerly one, and the northernmost part of Van Dieman's land, to the lowest point, which is south or south-east of Madagascar; the apparent verge being several hundred miles beyond the real verge. Consequently, according to this formation of the sphere, the degrees of latitude, on different meridians, will vary according to their distance from the polar openings; and the magnetical equator, which encircles the sphere, parallel to the plane of the polar openings, would cut the real equator at an angle of twelve degrees. A person standing on the highest part of the apparent verge would appear to be under the polar star, or nearly so, and at the ninetieth degree of latitude. The meridians all converge to the highest point of the verge, or the ninetieth degree; consequently in tracing a meridian of longitude, you would pursue a direction at right angles to the equator, until you arrived in the neighbourhood of the real verge of the polar opening, when the meridians would change their direction and turn along between the real and apparent verges towards the highest point, until they all terminated at the ninetieth degree of latitude; this being the direction a person would travel in order to have his back to the sun always at twelve o'clock, the time of his greatest altitude. Although the particular location of the places where the verges of the polar openings are believed to exist, may not have been ascertained with absolute certainty, yet they are believed to be nearly correct; their localities having been ascertained from appearances that exist in those regions; such as a belt or zone surrounding the globe where trees and other vegetation (except moss) do not grow; the tides of the ocean flowing in different directions, and appearing to meet; the existence of volcanoes; the "*ground swells*" in the sea being more frequent; the Aurora Borealis appearing to the southward; and various other phenomena existing in and about the same regions, mark the relative position of the real verges.

The heat and cold of the different climates are governed by their distance from the verge of the polar opening, and do not depend on their nearness to or remoteness from the equator. The natural climates are parallel to the planes of the polar openings, and cut the parallels of latitude at an angle of twelve degrees. When the sun is on the tropic of Capricorn, the circle of greatest cold would be about twenty-three and a half degrees south of the apparent verge, and when the sun is on the tropic of Cancer, this circle would probably be just under the umbrage of the real verge: hence it follows, if this doctrine be correct, that the climate of forty degrees north latitude on the plains of Missouri, in the western part of the continent of America, will be as



cold in winter, as the latitude of fifty or fifty-two degrees in Europe; and observation has fully confirmed such to be the fact.

The magnetic principle which gives polarity to the needle, is believed to be regulated by the polar openings, and that the needle always points directly to the opening, and of course parallel to a line drawn perpendicular to the plane of the opening. And when the apparent verge shall be passed, the needle will seem to turn nearly round, so as to point in an opposite direction; having the contrary end north on the interior of the sphere, that was north on the exterior, the same end being north on the interior which was south on the exterior. Hence, when navigators arrive in the neighbourhood of the apparent verge, the variation of the needle becomes extreme; and when the verge is passed, the variation is more or less reversed. The magnetic needle, on arriving at the verge, would appear to cease to pursue the same direction, but would in reality continue to maintain it, and lead directly into the polar opening.

Each of the spheres composing the earth, as well as those constituting the other planets throughout the universe, is believed to be habitable both on the inner and outer surface; and lighted and warmed according to those general laws which communicate light and heat to every part of the universe. The light may not, indeed, be so bright, nor the heat so intense, as is indicated in high northern latitudes (about where the verge is supposed to commence) by the paleness of the sun, and darkness of the sky; facts, which various navigators, who have visited those regions, confirm; yet they are no doubt sufficiently lighted and warmed to promote the propagation and support of animal and vegetable life.

The disciples of Symmes believe that each sphere has a cavity, or *mid-plane space*, near the centre of the matter composing it, filled with a very light, subtile, elastic substance, partaking somewhat, perhaps, of the nature of hydrogen gas; which aerial fluid is composed of *molecules* greatly rarified in comparison with the gravity of the extended or exposed surfaces of the sphere. This *mid-plane space* tends to give the sphere a degree of lightness and buoyancy. Besides this large *mid-plane space*, perhaps numerous other interstices exist in the sphere nearer the surface, and of more limited extent. The gas escaping from these spaces is, no doubt, the cause of earthquakes; and supply the numerous volcanoes. This gas, becoming rarified and escaping, must occasion most of those great revolutions and phenomena in nature, which we know to have occurred in the geology of the earth. This aerial fluid, with which the *mid-plane spaces* are filled, may possibly be adapted to the support of animal life; and the interior surfaces of the spheres formed by them, may abound with animals, with organs only adapted to the medium which they are destined to inhabit."



Such is the general outline, given by our author, of the strange theory of Symmes. The arguments which he adduces in support of it are very numerous, and they have been thought, by many persons, to be plausible, if not convincing. We shall now present some of the most prominent of these arguments, and accompany them by such remarks as they must naturally suggest, without particular research, to any one tolerably conversant with the subjects to which they refer. Indeed, it would be trifling with the patience of our readers, to enter at large into the discussion of this matter; and we have, ourselves, neither the inclination nor the leisure to do so.

The reasons in support of the theory, which are drawn from the mechanical properties of matter, are given in the third chapter; and, as might be supposed, our theorist places his great dependence on the centrifugal force arising from the earth's rotation about its axis.

"Were the matter of this globe thrown into a confused, disorganized state, and then put into a quick rotary motion, such as it is known to have, it would throw off from the centre towards the surface, first the heaviest, and next the lighter substances, which is the very order in which they are found to be arranged, in the composition of the earth.

This principle, for it is simply the principle of projectile force, will account for mountains, hills, valleys, plains; and for nearly all the inequalities on the face of the earth. These circumstances depend on the density of substances composing the earth. Substances of the greatest specific gravity are susceptible of the greatest projectile force; and hence we find that mountains are composed of heavy masses of rock, mineral substances, and heavy earths; hills, or the next highest eminences, of earth of the next specific gravity; and plains, or level lands, of lighter substances."

Nothing can be more completely at variance both with reason and with facts, than the principle which is here asserted. The centrifugal force to which a body is subjected, is proportional, not to its absolute velocity, as our author always seems to suppose, but to the deflection from the tangent, produced by the rotation, in a given time, as in a second. The force of gravity is proportional to the space through which a body will fall in a second. Both these can be readily ascertained; and it has been found, that, at the equator, where the centrifugal force is the greatest, and that of gravity the least, the former is but one 289th part of the latter. Every one, indeed, can see, by the almost irresistible power with which heavy masses are bound to the earth, that the force of gravity far transcends the centrifugal force, and that it is therefore absurd to suppose

that this last could have raised the Alps and the Andes, or have produced the many other wonderful effects ascribed to it in the new theory.

The author gives no distinct notion of the manner in which the concentric spheres are formed, and is indeed evidently embarrassed when he comes to this subject. He states that he "has long had strong doubts whether the laws of gravity are well understood, or whether the rules on which calculations respecting the form of the earth could be made, are exactly known." In these difficulties, he sagely determines "to take the broad principles of nature for his guide," and then, with perfect gravity, presents us with such reasonings as the following: The earth must be composed of concentric spheres, because the water on the side of a cutler's grindstone arranges itself into "something resembling concentric circles, one within another, and the surface of the earth (he apprehends) revolves with much greater velocity than any grindstone."—Again, the appearance presented when steel filings are sifted upon a card placed over a magnet, (satisfactorily explained in all the books of natural philosophy,) is supposed "to illustrate that a disposition to concentric spheres does exist in nature." Again, the earth must be hollow, because Capt. Symmes supposes that the meteoric stones are so, since they burst like a bomb-shell, and some of the fragments have curved surfaces.

The author, adopting the maxim *sententiæ numerantur non ponderantur*, still goes on with his reasons, though they increase in absurdity. "Inquire of the botanist, and he will tell you, that the plants which grow up spontaneously, agreeably to the established laws of nature, are hollow cylinders:" [for example, the forest trees, &c.] "Inquire of the anatomist, and he will tell you, that the large bones of all animals are hollow. Go to the mineralogist, and he will inform you that the stone called *ærolite*, [*oolite*?] and many other mineral bodies, are composed of hollow concentric circles." Lastly, "he cannot perceive any thing more derogatory from the power, wisdom, or divine economy of the Almighty, in the formation of a hollow world, than in that of solid ones; and he is rather of opinion, that a construction of all the orbs in creation, on a plan corresponding with Symmes's theory, would display the highest possible degree of perfection, wisdom, and goodness; the most perfect system of creative economy; and, (as Dr. Mitchell expresses it), *a great saving of stuff*."

Thus ends the chapter. Let us now ourselves briefly inquire into the light which we may derive from the sciences, as to the structure of our earth. In the first place, then, we remark,

that the fact of the earth's having a globular form, is strong evidence that it must once have been composed of fluid, or, at least, of plastic materials. Now, on this supposition, to determine the form that would be assumed by the earth, in consequence of the mutual actions of gravity and the centrifugal force upon its several parts, becomes a problem of mechanics, which has been completely solved by many mathematicians. The Cartesians, who believed that the gravitating force urged all the particles directly to the centre of the globe, found, by an easy calculation, that, supposing the earth of uniform density, its form must be an oblate spheroid, having the equatorial and polar diameters in the ratio of 578 to 577; an ellipticity which is much too small. The problem to be solved by the Newtonian philosophers, was much more difficult. As the attractive force resides in all the particles, it will be itself modified by the form of the earth, and thus the very result of which we are in search, enters as an element in the calculation. This difficulty has been overcome; and the figure of the earth has been determined, not only on the hypothesis of its being homogeneous, but on the more probable supposition of an increase in the density of the strata as we descend below the surface. In every case, the earth must be a solid spheroid. If homogeneous, the ratio of the diameters will be as 230 to 229; if increasing in density downwards, the ellipticity will not be so great.

These conclusions, it must be observed, are to a certain extent hypothetical. It is evident that the matter at the surface of the earth is not homogeneous, and we are wholly ignorant of the nature of that which constitutes the interior portions. We have means, however, for conducting our inquiries, which are free from this objection. Of these, the most important is the measurement of different degrees of the meridian, an operation which has been executed with great accuracy, at different points, from the equator, to nearly sixty-seven degrees of north latitude. These measures show some irregularity in the form of the earth, but agree, on the whole, remarkably well with the above hypothesis. They show that the earth is an oblate spheroid, having the compression equal to .0032. This ellipticity is less than that which would correspond to a homogeneous earth, and shows that, far from being hollow, the density increases towards the centre.

These rigid measures have not been extended to captain Symmes's verge; for it is worthy of note, that he has placed his highest point about one degree beyond the most northern

measurement, which was made in Lapland by the Swedish academicians. We shall return to this subject.

Another mode of estimating the figure of the earth, is by the force of gravity at different points of its surface, which may be determined by the length of the pendulum vibrating seconds. Very accurate experiments have been made on this subject, in various places, from the Falkland Islands, in latitude  $51^{\circ} 31' 43''$  south, to Spitzbergen, in latitude  $79^{\circ} 49' 58''$  north. The results have been lately compared, with great care, by Mr. Ivory, and are found to correspond to a mean ellipticity of .0033, being very nearly the same as that deduced from the measurements of the meridian, and wholly inconsistent with the notion that the earth is hollow, or that it has an oblique and distorted figure.

The greater density of the earth toward the centre, is proved, in a most direct manner, by the experiments of Dr. Maskelyne and of Mr. Cavendish. By observations of the zenith distances of stars, made on the north and south sides of the mountain of Schehallien in Perthshire, the difference of latitude of the two stations was determined. The difference of latitude of the same stations was also determined by a trigonometrical survey; and the result was found less than the former by  $11''.6$ . This difference could arise only from the plummet, on each side, being attracted toward the body of the mountain, during the astronomical observations, and thus separating the zeniths of the two stations from each other. From the quantity of this change of direction, the ratio of the attraction of the mountain, to the attraction of the whole earth, or the force of gravity, was found to be as 1 to 17,804. The bulk and figure of the mountain having been also determined, the mean density of the mountain was found to be to that of the earth nearly as 5 to 9; that is, the density of the earth was nearly double that of the mountain, and this was estimated to be considerably greater than the mean of the exterior crust of the earth. Very nearly the same result was found by Cavendish, from the attraction of two large globes of lead; and we may, therefore, consider it demonstrated, that the density of the earth increases toward the centre, so that it cannot be hollow.

But Capt. Symmes not only believes the earth to be hollow, but that it is inhabited on the inner surface. If it be so, the inhabitants must be placed in a most unstable position. Let us first suppose that there is but one of these spherical shells, and that it is symmetrical and complete. It is well known



that a body placed within such a sphere, will be equally attracted in all directions; and if it adhere to the surface, it can be only in consequence of the centrifugal force due to the earth's rotation. Now we have seen that the maximum of this force is but the 289th part of gravity. Within the shell, it must be still less. At one hundred and fifty miles below the surface, it would be but the 300th part of gravity, even under the equator; so that here, a man of one hundred and fifty pounds' weight, would adhere to the surface with a force of but eight ounces; and, with the same exertion which we here use to leap four feet high, could spring to the height of twelve hundred. In higher latitudes, the centrifugal force would be much less: in sixty degrees, it would be reduced to one-half; and it would be one of the advantages of these inner men, that they might fly through the air, with great ease, by the aid of a lady's fan.

Capt. Symmes imagines that the sea extends quite through the outer sphere, in many places, and that seals, whales, and herrings are in the custom of passing through. But this notion is contradicted by the known laws of nature. If we suppose a column of water forming such a communication, the gravitation of its particles would indeed diminish, as they approached nearer to the inner surface; for the spherical shell, which is exterior to any particle, does not contribute to its weight. A portion of the water, near the base, might therefore, if alone, be supported by the centrifugal force. But it must be observed, that this portion is not independent, but is urged downward by the pressure of the incumbent mass, so that the whole must sink into the abyss below.

In these last remarks, we have supposed that there was but one hollow sphere. If there be a series of concentric spheres, the case will be still worse; for bodies within the first sphere would have the trifling tendency which the earth's rotation would give them to adhere to its surface, counteracted by the attraction of the inner spheres; and their stability would be inevitably destroyed.

From the earth, our theorist passes into the heavens, and thinks that he can find there, striking evidences of his system. Let us follow him for a few moments.

The phenomenon upon which he places the greatest dependence, is the ring, or rather the rings, of Saturn.

"The appearance of Saturn, I conceive, establishes the fact, that the principle of concentric spheres, or hollow planets, does exist, at least in one instance, in the solar system. And if the fact be established that it exists in one case, is it not fair, nay, is it

not almost a certain and necessary consequence, that the same laws of matter which formed one planet into concentric spheres, must form all the others on a plan more or less the same? If we draw any conclusion, or form any opinion at all, respecting the formation of the planets, whose inner parts we cannot see; or, if we form any opinion in relation to our own planet in particular, whose poles have never been explored, would not reasoning from analogy bring us to the conclusion, that all bodies of matter are formed similar to that of Saturn, unless we have positive proof to the contrary?"

Now, nothing surely can less resemble concentric spheres, than these rings. They are plates of matter, so thin, that when their edges are turned toward us, they are completely invisible, even with the aid of very powerful telescopes. They are, moreover, placed under circumstances entirely different from those of the imaginary terrestrial crust. The interior ring is at a distance of seventy-three thousand miles from the centre of the planet, and revolves round it in ten hours and a half. The centrifugal force is therefore immense, and, being sufficient to balance the force of gravity, the ring is maintained in its orbit. In fact, the ring revolves like a satellite, and its periodical time has been found to be exactly the same as that which the laws of Kepler would require for a satellite placed at the same mean distance from the planet. Thus the ring of Saturn, instead of leading us to the adoption of any new laws of nature, serves to illustrate and confirm those which were already established, and by which we have shown the impossibility of Symmes's theory.

Let us now consider another of our author's astronomical proofs.

"The planet Mars exhibits concentric circles round one or the other of his poles, according as either is more or less in opposition to us. These circles appear alternately light and dark, exactly as they should, supposing the planet to be constituted of concentric spheres, (such as Symmes believes of the earth) the light being reflected from their verges on which it falls: and in which case, the vacant space between the spheres would necessarily appear dark."

The appearances presented by Mars, are indeed very extraordinary; but they neither require nor admit of the explanation which is here given. We shall present our readers with the highest authority on this subject, in the following interesting extract from a paper in the Royal Transactions, written by Dr. Herschel.

"The analogy between Mars and the earth is perhaps by far the greatest in the whole solar system. Their diurnal motion is nearly the same; the obliquity of their respective ecliptics is not very different; of all the superior planets, the distance of Mars from the sun, is by far the nearest alike to that of the earth; nor will the length of the Martial year appear very different from what we enjoy, when compared to the surprising duration of the years of Jupiter, Saturn, and the Georgium Sidus. If then we find that the globe we inhabit has its polar regions frozen, and covered with mountains of ice and snow, that only partly melt when alternately exposed to the sun, I may well be permitted to surmise, that the same causes may probably have the same effect on the globe of Mars; that the bright polar spots are owing to the vivid reflection of light from frozen regions; and that the reduction of these spots is to be ascribed to their being exposed to the sun. In the year 1781, the south polar spot was extremely large, which we might well expect, as that pole had but lately been involved in a whole twelvemonth's darkness and absence of the sun; but in 1783, I found it considerably smaller than before, and it decreased continually from the 20th of May till about the middle of September, when it seemed to be at a stand. During this last period, the south pole had been already above eight months enjoying the benefit of summer, and still continued to receive the sunbeams, though, towards the latter end, in such an oblique direction as to be but little benefited by them. On the other hand, in the year 1781, the north polar spot, which had then been its twelvemonth in the sunshine, and was but lately returning into darkness, appeared small, though undoubtedly increasing in size."

Some obscure appearances of Venus are next alluded to, for which we have not been able to find the authority. They are, at best, wholly inconclusive, and we shall not stop to notice them further.

The belts of Jupiter, are supposed "to be produced by the shadow cast on the space between the polar opening of one sphere and the adjoining one." In this case, the outer crusts must be supposed to extend but a few degrees beyond the equator of Jupiter, but each one further than that which is above it; so that the edge of the planet would exhibit the appearance of notches or steps. But, in fact, the outline is perfectly well defined and unbroken; and thus we have the direct evidence of our senses against this wild hypothesis.

The appearances of the sun and moon puzzle our system-maker, and well they may. He makes, indeed, a kind of apology for them, but it is far from being satisfactory. We see the whole of the sun's disc brightly illuminated, and it has not the

most distant appearance of polar openings. The moon, too, is our immediate neighbour, and every appearance on its surface can be accurately distinguished. The libration in latitude enables us, moreover, to see both its poles in succession. Direct observations can, therefore, be made, and they all unite in showing that the moon has no polar openings.

But the ungrateful moon affords still further evidence against the theory of these visionaries. In the lunar eclipses, the shadow of the earth is thrown upon the moon's surface, and thus a profile of the earth is exhibited. It is always sensibly circular. But if there were sections of four and six thousand miles in diameter cut off from the poles, this could not fail, in certain positions of the sun, to be plainly and palpably shown, by the form of the shadow. Indeed, it would be shown in every case; for it is evident that the longest diagonal, from the edge of one opening to the edge of the other, is less than the diameter of the earth.

We come now to consider the arguments which are drawn from the evidence of voyagers and travellers in the arctic regions. This evidence, it would indeed seem, must be decisive of the question, if any question still remain; for seas and lands, far within the imaginary verges, have been repeatedly traversed, in all directions, and no signs of a polar opening have been perceived. Captain Symmes endeavours to evade this difficulty, by his winding meridians; and it is certainly true, that, if the earth have the distorted figure which he imagines, most of the meridians will no longer lie in a plane, but will become curves of double curvature, something like those which he has described. It is equally evident, however, that the meridians which cross the verges at their highest and lowest points, will not swerve from the plane of the celestial meridian, nor will those in the vicinity of the highest points do so to a sensible degree. Observations made in these situations, would, therefore, be conclusive. Nor are they wanting. At Spitzbergen, which is on the meridian passing through the highest northern point, accurate astronomical observations have been made, ten degrees within the verge. On the opposite side, we have the north-western part of this continent, and Behring's Straits, which have been visited and examined twenty degrees within the verge. The meridian which traverses the highest south point, is in the Pacific Ocean, and has been crossed repeatedly, far within the verge, particularly by captain Cook, in 1774. The lowest point of the southern opening, is placed in the latitude of thirty-four degrees; and it is needless to say, that thousands of navigators have been far beyond it. The island of



Possession is on the very meridian which crosses it, and fifteen degrees within the verge. These facts do not need a comment.

The open sea, which is reported to be found about the poles, has been adduced as a strong evidence in favour of the new theory. As to the north pole, we may now, perhaps, consider this as doubtful, as it is certainly not confirmed by the results of the late voyages. Still it is very possible, that, in summer, the currents may carry the ice into lower latitudes, so as to leave the polar regions comparatively free. The south pole is differently circumstanced; and, in the late voyage of captain Weddell, this enterprising navigator reached the latitude of seventy-four and a quarter degrees south, and there left a clear and navigable sea, although he had passed much ice in the lower latitudes. But the explanation which he gives of this fact, is much more rational than that of our theorist. "It distinctly appears to me," he remarks, "that the conjecture of captain Cook, that field ice is formed and proceeds from land, and is not formed in the open sea, is true. Hence, in the latitude of seventy-four degrees fifteen minutes south, I found a sea perfectly clear of field ice; whereas, in the latitude of sixty-one degrees thirty minutes, about one hundred miles from the land, I was beset in heavy packed ice."

The migration of the animals of the arctic regions to the north in winter, and their return to the south in summer, is strongly asserted, and it is of course imagined, that they retreat into the inner earth for comfortable quarters. To this argument we reply, that it is not supported by facts. The deer, musk ox, and other quadrupeds, mentioned by our author, are not properly migratory animals, and their occasional changes of situation are irregular, and seem to be governed only by the search of food. We might refer to many authorities in proof of this fact, but one of the latest and best for our present purpose, is Franklin, who accomplished the perilous journey to the shores of the polar sea. He expressly states, in many places, that the quadrupeds in question, remained among them during the whole winter. Thus: "the musk oxen, like the buffalo, herd together in bands, and generally frequent the low grounds during the summer months, keeping near the banks of the river, but retire to the woods in winter." Again: "Michel tried to persuade me to go to the woods on the Coppermine river, where he said he could maintain himself all the winter by killing deer." Again: "The commencement of April was fine, and for several days a considerable thaw took place in the heat of the sun, which, laying bare some of the lichens on the

sides of the hills, produced a consequent movement of the rein-deer to the northward, and induced the Indians to believe that the spring was already commencing." With regard to the other animals mentioned, we believe the author to be equally mistaken in his facts, particularly as to the migratory fish, whose winter retreat is probably in the deep sea, where the temperature is uniform and moderate.

But, according to our author, the Esquimaux themselves also go to the north in winter, to enjoy the comforts of the pole. In proof of this, the only direct evidence that is adduced, is a conversation that took place with the first natives met with by captain Ross, in his voyage to Baffin's Bay. It is thus related in the original narrative:—

"These men first pointed to the ships, eagerly asking 'what great creatures those were: do they come from the sun or the moon? do they give us light by night or by day?' Sacheuse (the interpreter) told them he was a man, that he had a father and mother, like themselves; and, pointing to the south, said that he came from a distant country in that direction. To this they answered, 'that cannot be, there is nothing but ice there.' They again asked, 'what creatures these were,' pointing to the ships; to which Sacheuse replied, 'that they were houses built of wood.' This they seemed to discredit, answering, 'no, they are alive, we have seen them move their wings.' Sacheuse now inquired of them, what they themselves were; to which they replied, 'they were men, and lived in that direction,' pointing to the north; 'that there was much water there; and that they had come here to fish for sea unicorns.' "

From this conversation our author infers, that "these people must live in a country not composed of ice, for it seems they deem such an one uninhabitable; and, if the relation be true, the climate north of where they then were becomes more mild, and is habitable; a change, the cause of which is not easily accounted for on the old philosophic principles." Now it happens that this mysterious country was but a short distance from the place where the interview occurred; that it was, soon after, visited by captain Ross; and that he examined and describes "the nature of the country, its produce, inhabitants, language, mode of living, manners, customs, and religion." It is situate between the latitudes seventy-six degrees and seventy-seven degrees forty minutes north, and the longitudes sixty degrees and seventy degrees west.

"The inhabitants" says this navigator, "exist in a corner of the world by far the most secluded which has yet been discovered, and have no knowledge of any thing but what originates, or

is found in their own country; nor have they any tradition how they came to this spot, or from whence they came, having, until the moment of our arrival, believed themselves to be the only inhabitants of the universe, and that all the rest of the world was a mass of ice."

The party of Esquimaux that built their snow huts in the vicinity of captain Parry's ships, in his second voyage, may also serve to show the fallacy of our author's notion, as to the winter quarters of these people. They seem to have chosen this situation only because it suited them for taking seals and walrusses; certainly not for its warmth, for the thermometer was frequently at fifty degrees below zero. In the spring, they went to the north-west, to fish and kill deer; and they returned to their former quarters, in the following winter. The course of their migrations, then, was the reverse of that indicated by the new theory.

The immense distance at which objects are said to be seen occasionally in the polar regions, is another fact brought by our author in support of his theory, and which he thinks can only be explained, by supposing, that, at the verge, "were the power of vision strong enough, objects might be seen around the sphere, as they would be in an exact plane with the observer." Now the optical fact alluded to, was one of a series of phenomena due to the extraordinary refraction which is called looming, and which is occasionally witnessed in all latitudes. Let us hear what captain Ross says on this subject.—

"The objects on the horizon were often most wonderfully raised by the powers of refraction, while others, at a short distance from them, were as much sunk. These objects were continually varying in shape; the ice had sometimes the appearance of an immense wall on the horizon, with here and there a space resembling a breach in it; icebergs, and even small pieces of ice, had often the appearance of trees; and while, on one side, we had the resemblance of a forest near us, the pieces of ice, on the other side, were so greatly lengthened, as to look like long low islands. We were often able to see land at an immense distance, and we have certain proof that the power of vision was extended beyond one hundred and fifty miles. I made many observations with my sextant on the phenomena just described, and often found the same object increase in its altitude half a degree in the course of a few minutes. The high rock off cape Dudley Digges, was observed to increase in altitude from two to five degrees, within an hour; in the course of the next half hour, it decreased to the appearance of a speck on the water, and soon after it became like a long low island, in which shape it remained for some hours, when it resumed its natural shape."

The last argument that we shall mention, (for it is time to bring this discussion to a close,) is contained in the following paragraph:

"Those appearances observed in the southern hemisphere, which are termed Magellanic clouds, by navigators, have not, so far as I know, been accounted for. They are three in number, of an irregular shape, and observed by night in the South Atlantic, and the south-east parts of the Pacific oceans, (reversed from New-Holland and New-Zealand,) but never visible in the eastern parts of the Indian ocean: their colour is like that of far distant mountains, on which the sun is shining. In the one sea they appear due south, and in the other to the left. They are stationary, appearing perpetually fixed at a certain height, and in a particular situation, as viewed from any given place. The stars and the heavens, in their diurnal revolutions, sweep by them, and they remain the same. To the navigator, who proceeds to the east or west, they appear to be more or less to the right or left of the meridian, in proportion as he changes his longitude; and as he sails south, they increase in height, until they reach the zenith, and finally become north, when seen by an observer south of the straits of Magellan, which is in latitude fifty-two degrees south. Captain Symmes accounts for the appearance of these clouds by the great refractive power of the atmosphere about the polar openings; causing the opposite side of the verge to appear pictured in the sky, as navigators inform us objects do sometimes appear, in the arctic regions; and in the manner Scoresby's ship appeared in the sky, with every particular about her so accurately represented, as to be at once identified by the observers, though the vessel, at that time, was at such a distance as to render it rather incredible how she could be seen at all. As proof of this position, captain Symmes alleges, that the relative position, shape, and proportions of these clouds, agree in their general outlines with the southern part of New-Zealand, the south-east part of New-Holland, and the whole of Van-Dieman's land, which are situated on, and near to the verge of the sphere, opposite to where the clouds are visible. These clouds are only seen in the night, when the atmosphere is clear, at which time the sun is shining on the islands in question."

Strange as it may seem, the statements which are here made respecting the Magellanic clouds, are wholly unfounded. These meteors are in fact *nebulae*, composed of clusters of telescopic stars, like the milky way; have their fixed place in the heavens, like the other constellations; and revolve regularly about the pole in twenty-four hours. All this is so notorious, that it is astonishing how the whole Symmes school could have remained ignorant of it. Even a common celestial globe would have shown them these constellations, near the



south pole, under the names of Nebula major, and Nebula minor. Of the many authorities to which we might refer, in proof of our assertions, we shall cite the oldest. The celebrated Robert Boyle describes these appearances as "clouds that some navigators mention as seen towards the south pole, and to move about the pole in twenty-four hours." He also gives a letter from Thomas Mackrith, dated in 1685-6, in which the writer says:

"I likewise did particularly observe those commonly called the Magellanic clouds, which consist of a greater and a lesser, and are to my judgment, composed of a great number of small, invisible stars, much of the nature of the via lactea. They have a due course like other constellations, and constantly the lesser followed the greater in rising and setting."

Our author next gives a chapter, on what the Symmesites call *mid-plane spaces*, and explains, by their aid, earthquakes, and volcanoes, and sundry other phenomena. Our readers will readily excuse us from entering into a discussion of these matters.

One of the favourite projects of the adherents of Symmes's theory, is the establishment of an expedition to explore the inner earth. Our author devotes a chapter to this subject; and the master of the sect is now travelling, from place to place, and, like a second Peter the Hermit, zealously preaching up a crusade to this Holy Land. We are gravely told, that, to judge by the size of the seals, and bears, [and Esquimaux,] which come from the interior of the globe, it must be better suited for animal life than the portion which has fallen to our lot, so that by emigrating to this land of promise, we may probably be relieved from many of the evils to which mankind are subjected here above. If our old-fashioned philosophy be correct, however, we fear that this desirable change can never be effected, and that we must be content to finish the journey of life, in the less comfortable condition of outside passengers.

The work is concluded by a biographical notice of the founder of the new theory. That posterity may not, as in the case of Homer and other great men, dispute about his birth-place, it is announced that this distinguished honour belongs to our sister state of New-Jersey. It appears that he fought bravely during the late war, and has since sustained an excellent character; and we are certainly not disposed to deny, that a very unsound philosopher, may be a gallant soldier and an estimable man.

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## ART. XII.—GREEK CONTROVERSY.

- 1.—*A Vindication of the Conduct and Character of Henry D. Sedgwick, against certain Charges made by the Honourable Jonas Platt; together with some Statements and Inquiries intended to elicit the reasons of the award in the case of the Greek Frigates.* New-York, printed by J. Seymour. 1826. pp. 24.
- 2.—*A Narrative of the material Facts in relation to the building of the two Greek Frigates.* By ALEXANDRE CONTOSTAVLOS. New-York. 1826. pp. 88.
- 3.—*Report of the Evidence and Reasons of the Award between Johannis Orlandos and Andreas Luriottis, Greek Deputies, of the one part, and Le Roy, Bayard, & Co. and G. G. and S. Howland, of the other part.* By the ARBITRATORS. New-York, printed by W. E. Dean. 1826. pp. 72.
- 4.—*An Exposition of the Conduct of the two Houses of G. G. & S. Howland, and Le Roy, Bayard, & Company, in relation to the Frigates Liberator and Hope, in answer to a Narrative on that subject by Mr. Alexandre Contostavlos.* By WILLIAM BAYARD. New-York, printed by Clayton & Van Norden. 1826. pp. 47.
- 5.—*Refutation of the Reasons assigned by the Arbitrators for their Award, in the case of the two Greek Frigates.* By HENRY D. SEDGWICK. New-York. 1826.
- 6.—*An Examination of the Controversy between the Greek Deputies and two mercantile Houses of New-York; together with a Review of the Publications on the subject, by the Arbitrators, Messrs. Emmet and Ogden, and Mr. William Bayard.* By JOHN DUER and ROBERT SEDGWICK. New-York, printed by J. Seymour. 1826. pp. 179.

It is now but a few years since the general attention of the rest of Europe has been drawn to the condition of the Greeks; and it forms a curious subject of remark, that during this period, the feelings of the people seem ever to have been at variance with the feelings, or at least the conduct, of those who govern them. The former were marked by strong indignation and generous sympathy. The horde of barbarians, who in subjugating and destroying the diminished Eastern empire, had involved the classic and luckless territory of Greece in the same fate, were known to have always exercised over it a

ruthless and unsparing tyranny. But, while the Greeks appeared to submit—while their sorrows were sustained in silence, the public mind passed over with slightness and indifference, all that travellers occasionally related, and all that imagination might easily supply, of their internal misery. Succour was not tendered to those who did not complain. And thus for centuries, Greece, absorbed in the general denomination of *Turkey in Europe*, was almost forgotten by the other Christians of Europe. While her ancient language was still cherished, and taught in our schools as one of the elements of polite learning; while her architecture was copied as the true standard of excellence—her statuary, and the smaller elegancies of dress and domestic decoration, adopted as models; and her historians and orators, her political and moral writers, her grave and lighter poets, continued the daily subjects of study, and sources of delight; the land itself, with all its inhabitants, seemed to have disappeared.

The first interruption of this apathy and oblivion, the first act done to recall the recollection of their continued existence, was founded on a motive far remote from the abstract love of liberty, or the noble desire to relieve oppressed Christians from the intolerance of Mahometan bigotry. The ambitious and far-sighted Catherine of Russia had received from her predecessor, as the forced capital of vast dominions, a high northern port, under an inclement degree of latitude, excluded during a great part of the year from the possibility of maritime action. Strongly contrasted, in every point of view, was the situation of Constantinople. The advantages of that admirable local position, are well known. It is obvious, that by the possession of it, Russia might soon become one of the greatest maritime powers of Europe. With a view indirectly to promote this alluring object, Catherine cast her eyes upon Greece. To cherish the discontent, to excite the spirit of this unhappy people, and if possible to lead them into actual insurrection, would tend to weaken the power of Turkey. For these purposes, emissaries were employed to visit Greece, and some of the enthusiastic Greeks were tempted to hazard their safety, and in fact to abjure their own country, by repairing to the court of St. Petersburg, in order to give information, and concert measures with the imperial ministers. But the emancipation of Greece, the restoration of its republican forms, were not the intention of Catherine. Greece was to be erected into a province, of which her grandson, Constantine, was to be the governor; while the autocracy of the empire was to be feared and felt, after the conquest of Constantinople. Irregular

and ill-directed efforts seemed only to exasperate the Turks; a force, which the Russians had made no preparations to combat, was poured into Greece; and after exciting hopes, and producing manifestations, which proved, at the same time, the impatient desire, and the utter inability, of resistance, the deluded Greeks were left to the redoubled severity of their masters. Contenting herself with the great naval victory at *Tchesmè*, and enabled to sail triumphantly among the islands of the Archipelago, a peace was basely made by Russia, on some territorial acquisitions for her own benefit, without a single stipulation in favour of those whom she had incited, deserted, and finally betrayed.

It was at one time supposed that the spirit of Catherine had descended upon Alexander, and some great preparations, made on the borders of Turkey, were believed to have in view the invasion of the metropolis of the Ottomans. There was, indeed, a considerable force collected to defend it, yet it was imagined that the troops which had expelled Napoleon from Russia, and had shared in his overthrow at home, could not fail to succeed over the irregular, and insubordinate crowds which constitute a Turkish army. But the policy of the Russian cabinet began to vacillate between two opposite motives. If the desire to enlarge the empire by an acquisition apparently certain, and incalculably valuable, impelled them to action; the dread of promoting principles of personal liberty, the admission among their own subjects of men so enlightened, so active, and so republican as the Greeks, or, if they were permitted to govern themselves, the toleration of democracy in any shape, so near their own possessions, operated with superior force on the other side, to paralyse every effort, directly or indirectly tending to assist them. If Constantinople were subdued, the Mohammedan standard in Greece would fall of course. Russia would then be obliged either to allow its independence, or to reduce it by her power. The latter course would excite the abhorrence and reprobation of the civilized world, and it might well be expected, that the very troops employed, would gradually imbibe those ideas of the rights of nature and of man, which would not only render them cold and reluctant in such a service, but on their return would affect that slavish obedience to which they had so long been habituated. There is no doubt that these considerations strongly contributed to induce Alexander to relinquish his original designs; and thus Greece may literally be said to have protected Turkey. When the Moldavians, under the guidance of Alexander Ypsilanti and Michael Suto, ventured to rise against the Turks in 1821, their pro-



ceedings were disavowed by the Russians, and Ypsilanti, defeated and driven into the Austrian dominions, was seized and thrown into a dungeon.

Of the disposition of Nicholas in this respect, we are yet wholly ignorant; but as the successor to an absolute government, we may not uncharitably suppose, that he would wish to preserve unimpaired the power he has suddenly received, and to guard against the introduction of enlightening facts and liberal policy: in the commerce of opinions, in the interchange of communications between the free man and the slave, despotism always suffers. Force must therefore be employed to prevent intercourse—the mental faculties must be prohibited from their full exercise—the sanative *cordon* must be rendered as impassable to republican notions, as to the yellow fever or the plague, and peace and power must be preserved by silence and submission. Greece has now but little to expect from the friendly intervention of Russia. Nor can she, we fear, calculate on any desirable aid from the other principal potentates of Europe. Laying aside the abject and enfeebled throne of Spain, the disunited and inefficient states of Italy, the remoter kingdoms of the north, (Venice, and Genoa, and Rhodes, once so glorious and so competent, are now no more,) we confine our attention to Austria, Prussia, Great Britain and France, and a short view of their respective interests, and probable course of conduct, may not be uninteresting.

In the order in which they are named, Austria first commands our notice, as its proximity seems to render it more immediately concerned. Austria, in times not very distant, has felt the force of Turkey. When the grand vizier of Mahomet IV. approached her capital in 1683, she trembled for her own safety; and if she has since sustained little annoyance from the same quarter, it may be attributed more to a decline of power, than to a kindness of feeling. It would, therefore, be a matter of no small moment to her, to witness the extinction of a barbarous nation from which she has no good offices to expect; and which, if its faculties ever revive, may prove again a dangerous enemy. If this conquest were achieved by Russia, she would probably have less to fear. It certainly would be the interest of Russia to remain on friendly terms with her. But on the other hand, Austria, though less absolute in its form of government, is wedded to the seducing doctrine of the divine right of kings, and the illegitimacy of all forms of government proceeding from the people. To her the republics of Peloponnesus would be appalling Gorgons, and she would as willingly restore power and independence to Venice as to Athens.

Prussia may be supposed to be more indifferent to the subject. As she is not a maritime power, she has no reason to be fearful on account of the eventual increase of the Russian navy. As she is too remote to be endangered by the forces of those who may have possession of Constantinople, it would concern her little whether a Selim or a Nicholas prevailed there; but other considerations will probably retain her in neutrality. It is well known, that numerous secret societies within her own bosom, have long excited the apprehensions, and required the severest vigilance of her government. To afford public aid to Greece, would be to apply a match to explosive principles, which might shake her to the centre. Her tranquillity depends on suppressing every mention of Greece, and her obligation with the Holy Alliance is not so strong, though conducive to the same end, as the fearfulness of her own situation.

The two remaining powers present subjects of deeper consideration, and more delicate texture.

The interests of France and of Great Britain, although of some resemblance, are not precisely the same; yet, from different motives, they may pursue the same course. In respect to Russia, France has to keep in sight her territorial enlargement, military power, and the increase of her maritime facilities. The naval power of Russia is of great importance to France, whether it is contemplated in relation to commerce or to war. The introduction of a new competitor in the trade of the Mediterranean, must be regarded by the French, who at present almost monopolize it, with serious jealousy. But if with the emancipation of Greece, the power of Turkey should be so reduced as to throw Constantinople into the hands of Russia, the materials of a great navy for military purposes, thus acquired, would be industriously improved by the conquerors, and a few years would unquestionably exhibit a naval force, with which, in the event of future hostilities, France might scarcely be able to cope. Her Mediterranean commerce would suffer of course. At no point of time have we discovered any serious intention in the French ministry, before or since the restoration of the Bourbons, to diminish the power of the Ottomans. The causes already assigned were, perhaps, sufficient to restrain them; but to these may now be added the same aversion to the liberal principles of republicanism, which so much preponderate in the cabinets we have already mentioned. With a body of subjects infinitely more active, and more enlightened than those of Russia, she dreads the resurrection of a nation, whose fundamental principle is political freedom and equality. The Bourbons recollect, that their own convulsions were

chiefly attributable to the aid she afforded to us, in the achievement of our independence; that the troops she sent over to this continent, returned with strong impressions in favour of liberty, and a chastened democracy; that if her writers were prevented, by the restrictions on the press, from much latitude of discussion on these subjects, they formed the chief topics of conversation throughout the kingdom, and that the minds of men were thus engaged on subjects, which, beginning in the approbation, terminated in the adoption of principles, that to us were salvation; to her, desolation and disgrace. Monarchy is now the only idol, absolute power the only religion of her ruling dynasty; and, while the race of Capet remains, a new republic will be reluctantly acknowledged or countenanced.

The partial recognition of the new governments in South America, the unwilling and ungracious concessions to Hayti, do not impair the force of these remarks. The latter it was impossible to resist, and it would, therefore, be useless to delay; and the South Americans having secured their independence, without assistance, and having already received the recognition of the United States and of Great Britain, the commercial interests of France impelled her to secure, if possible, an equal share of their trade. But that independence which has been attained by the internal force of unassisted revolt, and which seems to be admitted by the cessation of the efforts of the mother country to subdue it, is widely different from that which is yet to be fought for, and which to them appears distant and improbable.

It remains to consider the policy and probable conduct of Great Britain. We may at once exculpate her from the influence of some of the motives that we have attributed to France, Austria, and Russia. She conceives herself too happy and too strong in her own constitution, to fear any evil consequences from the erection of new republican forms in any part of the world. Her refusal to unite in that arbitrary and intolerant compact, profanely termed the Holy Alliance, does her much credit in our American eyes; her exertions in opposition to the slave trade, and her benevolent measures for the melioration of slaves in her West India islands, at the hazard of ultimately losing her colonies, evince her sincerity in relation to the general rights of the human race. But in respect to Greece, she appears to have permitted impulses of this nature to be controlled by considerations of policy. The humanity which shudders and turns pale at the transportation of the African from slavery in one country, to a continuance of slavery in another, can view without emotion, the servitude and sorrows



of an enlightened part of our species, in every quality and attribute most *germane* to ourselves, and make no effort for their relief—because it is not the interest of Britain to weaken the power of Turkey.

Considerations of the same nature, though not in all respects, or to an equal extent, the same as those which we have ascribed to France, must be considered as actuating Great Britain. It is unnecessary to repeat them, but we may conclude this part of our remarks, by observing how little influence on the conduct of all the European cabinets, is derived from the contrast of the religion of the oppressor and the oppressed. The time once was, when the enthusiasm of Christians led hundreds of thousands in military array to attempt the recovery of the Holy Land from its infidel conquerors. Nearly two millions of Christians are now writhing under every species of affliction from the same hands. The habitual severity of oppression is rendered more poignant by the contumelies thrown upon their worship and their creed, and by the difficulties, and sometimes the impossibility of continuing in their ancient faith. Extortion is practised upon all, and doubled upon those who will not submit to become Mahometans. Those who refuse to exchange a blessed Saviour for a vile impostor, are coldly abandoned by fellow Christians to sorrow and despair, because it would be contrary to national policy to relieve them. While so much pains are annually taken to convert distant quarters of the globe to Christianity, it is wonderfully inconsistent that the same spirit should not produce a single effort to protect those who were among the first in Europe to adopt it.

But on these themes it is equally painful and useless to enlarge. Of late, there have been rumours of a successful mediation with the Porte in behalf of the Greeks. Of the particulars we are not apprized; but we may confidently presume, that the absolute independence of the Greeks has formed no part either of the application of one party, or the assent of the other. Yet, with nothing short of absolute independence will these brave, enlightened men be satisfied. No Turkish promise to lessen the weight of their chains will be relied on; no continuance of provincial subjection will be submitted to. They have before their eyes the noble example of their own ancestors when invaded by Persia; and of this country, when it resisted Great Britain. They have seen how firmness and perseverance may produce success; and that courage, which nothing has yet intimidated; that patience, which nothing has yet exhausted; if not closed by extermination, must end in independence. If the former should ensue, the selfish sovereigns of Eu-



rope may consider themselves as accomplices in the butchery; if the latter, a radiating star will be added to our system, whose beneficent light and heat may produce effects beyond the narrow limits of Peloponnesus.

In taking these views of the improbability that Greece will receive any efficient aid from the Christian powers of Europe, (in which we shall rejoice to be found mistaken), we may naturally be asked, why does America remain cold and inactive? With her republican principles; with her mass of free, enlightened citizens; with her increasing means; why does she content herself with the sympathetic declarations of her President, or the eloquent effusions of her members of Congress? The question is fair, and deserves to be answered. We might, in the first place, assign as one reason for our quiescence, the extreme distance at which we are situated, and the consequent difficulty of transporting an adequate auxiliary force. We might add, that such a force as it would be now in our power to send, would be short of what would be due both to their wants and our own character, and that before it could be raised, and reach the port of debarkation, the Greeks will probably be so successful as not to need it, or so reduced that it could be of no service. But on these reasons we do not rely. We advert to our own Constitution, which, in relation to the present subject, absolutely disarms us.

Our states, individually, have no power to fit out the smallest ship of war, or raise a single soldier, unless in the case of actual invasion, without the assent of congress. Whatever is done in respect to foreign countries, must be the act of congress alone. But the power constitutionally invested in congress, is emphatically of a defensive nature. It is only when war has been declared against us, or when, without declaring it, a series of violent and unjust acts, committed by a foreign nation upon our citizens, has become equivalent to an avowed war, that congress can, without violating the principles of our great national compact, enter upon hostilities. No such event has taken place between us and the government of Turkey; and under these peculiar limitations of power, both as to our states separately and united, we perceive the difference between us and the sovereigns of Europe, who lie under no similar restraints. We may feel, but we cannot act; they may act, but they do not appear to feel.

The general impression through our country, has been that of sympathy for these unfortunate people. When we have received intelligence of their successes, we have rejoiced; and

when the accounts were unfavourable, we have felt a deep regret. There has, it must be confessed, been little individual aid afforded to them. Several plans have been proposed without success, although it is hoped that the recent contribution of provisions, rendered more important since the desolation of the country by the troops from Egypt, may reach them in safety.

These considerations, which show that we have no great title to be praised, lead us to wish that we were also exempted from just reproach. If we have not, like the Phil-Hellenists of England, raised large sums of money by way of loan, to be applied to their assistance, we ought at least to be exempted from the charge of having, out of such a fund, appropriated a part to selfish and private emolument. The character of a nation is sometimes involved in the conduct of a few individuals who belong to it; and however unjust this mode of reasoning may be, it is a duty to avoid even hasty and superficial censure, by examination and inquiry into the facts on which we may be charged. Under this impression, we have concluded to present to our readers a candid and impartial view of the late transactions at New-York, which have produced the publications, the titles of which appear at the head of this article.

A narrative of facts will best enable our readers to understand and appreciate the different publications on this subject. We are aware both of the importance and the difficulty of perfect accuracy in such an undertaking; our materials are to be chiefly drawn from these publications. We may safely adopt what both parties agree upon; we may receive as secondary evidence, what one asserts, and the other does not deny; but when we find that positive assertions are met by positive contradictions, it is no small difficulty to decide on whom to repose belief. In such cases, the only resource is to compare testimony with circumstances, and to give the preference to that which best consists with other transactions distinctly proved or admitted.

In 1824, a loan was opened in England for the benefit of the Greek cause, and upwards of a million of pounds sterling was raised. A great object of the central government which then existed in Greece, was to apply a part of this fund to the increase of their naval force; and the Greek deputies in London cast their eyes on this country, as that where they could most readily obtain, either by purchase, or by causing them to be built, some suitable vessels, with their necessary armaments.

The deputies proceeded with much caution; they first addressed a letter of inquiry to a highly respected house at New-York, desiring information of the cost of a frigate of the largest class. The estimate of the cost of a ship of fifty guns was speedily returned. It was to be built of live oak, sheathed with copper, and including guns and carriages, would amount to 247,500 dollars. In communicating this estimate, Le Roy, Bayard, & Co. profess their readiness to undertake its construction, their experience and ability in matters of this sort, and their zeal for the cause of the Greeks. Satisfied with these representations, the deputies appear to have lost no time in their proceedings. They determined to have two such frigates built or purchased immediately; they made the necessary pecuniary arrangements; and, impressed with the importance of having an agent on the spot, whose sole business it should be to superintend and hasten the completion of the work, they engaged, at a very liberal salary, the services of general Lallemand, a French officer who had taken the most lively interest in their cause, and who is represented to be a man of high honour, improved mind, and good understanding. Specific and well-conceived instructions were given to him. His duty was not to make contracts, but to see to their execution; and to expedite the departure of the two vessels, when fully prepared for service, with American officers and crews.

From some cause which does not fully appear, the deputies thought fit to unite the house of G. G. & S. Howland, with Le Roy, Bayard, & Co.; and general Lallemand, furnished with letters of introduction to both houses, left England, and arrived in New-York the 10th of April 1825. He brought out with him, and delivered to the two houses, letters of credit to the amount of 50,000 pounds sterling, and an urgent request that if purchases could not be made, the two vessels should be built, and sent off with the utmost expedition. The two houses entered heartily into the measure. No purchase could be made, and therefore it was necessary to build: it was determined, with the approbation of general Lallemand, to construct two frigates of larger dimensions than those to which the transmitted estimate applied. The first attempt, was to contract with a builder to construct them both for a given sum. The lowest price at which it was offered to undertake the construction of one was 377,000 dollars, without armament. The two houses then determined to adopt another plan, and build two vessels "by day's work." General Lallemand fully approved of the measure. For this purpose, ship-yards were to be engaged, materials to be pro-

cured, and mechanics and workmen to be personally employed. Two ship-yards were accordingly hired, each of them for the large sum of 25,000 dollars. Live oak could not be procured, but white oak was substituted; and there seems no reason to object to the goodness of all the other materials employed. Neither the habits nor the other engagements of the two houses qualified them for that constant personal superintendence, which an undertaking of this kind required. Nor was general Lallemand, an officer in the army, and imperfectly acquainted with our language, fully competent to supply the deficiency. It was therefore obviously for the interest of those concerned, that a person practically acquainted with the construction of vessels of war, should be prevailed on to undertake this responsible and laborious task. After an ineffectual attempt to obtain the services of another, captain Wolcott Chauncey agreed, for a compensation of 10,000 dollars, to superintend all the operations relating to the building, equipping and arming of the two frigates, until ready to sail. To the manner in which he performed this duty, no objection has been made. Unfortunately, about this time, the prices both of materials and wages rose considerably; but this untoward circumstance does not appear to have produced any suspension or relaxation of the work, and it is probable, that if specific building contracts had been made, the same causes would have produced more serious inconvenience. Reserving any opinion on the quantum of compensation allowed to the owners of the ship-yards, and to captain Chauncey, we may say, that so far, the conduct of the houses was meritorious.

But we now are to advert to a part of the transactions not equally satisfactory. General Lallemand, as we have already observed, brought out with him letters of credit to the amount of 50,000 pounds sterling. No sooner had the two houses determined to purchase the materials, and construct the frigates by day's work, than they commenced drawing bills to the full extent of this sum. A letter dated the 10th of March, from the deputies, authorized the two houses, in case two frigates ready built could be purchased, to draw on Messrs. T. & S. Ricardo for the surplus that might be necessary. On the 23d of May, the two houses, referring to this letter, drew for 25,000 pounds sterling more; although the specific object for which the power was given did not exist. The bills however were paid, and by the end of October, the two houses were in possession of the large sum of 155,000 pounds; to which must be added the advance on the rate of exchange; but commission and brokerage,



a less sum, are to be deducted. It does not appear that in the course of the intervening period any detailed accounts were transmitted to the deputies by the two houses, although we may presume that general Lallemand did not neglect his duty in keeping them as fully informed, as lay in his power; but his functions did not lead him to an intimate acquaintance with the details. The two houses had, with great propriety, associated him as one of a committee which they constituted as soon as captain Chauncey was engaged, who were to hold frequent and stated meetings, and receive a weekly report from the captain; but the general was neither a merchant nor a ship-builder, and although he was bound to report to his principals whether their business was carried on negligently or otherwise, he probably abstained from all details of naval architecture, and certainly from all matters of account. In respect to the latter, we have direct proof, in a matter which has produced much acrimony between the parties, and which we shall notice hereafter. The bankers of the deputies in London, had continued by their orders to honour the draughts sent, sometimes on what they term "confirmed credits," and sometimes without such previous sanction. The houses at times sold their bills in this country, and at times drew in favour of their own bankers in London. But the bills drawn on the 23d of November, were protested by order of the deputies; and to account for this strong measure, it will be necessary to consider their relative situation. The provisional government of Greece, had sent them to England for the purpose of applying in the best manner, the large sum which the good feelings of that country had loaned for their assistance. Their instructions were to procure frigates of a certain size. The deputies had already intrusted the mercantile houses in New-York, with a larger sum of money than the first representations of one of them seemed to require. The period had already passed over, when the frigates, according to the representations of the two houses, ought at least to have been launched, if not ready for sea.\* A joint letter from the two houses, dated on the 31st of October 1825, had been received, in which the deputies were assured that the frigates were advancing rapidly, and a "well founded hope" expressed, that they would be ready to put to sea in four months. The cost and outfits were estimated at 500,000 dollars each, but for the sake of prudence, the deputies are invited to value them at

\* In their letter of the 15th of April, the two houses indirectly hold up the term of six months for having the frigates built, and ready for sea.

550,000 dollars. The precarious state of Greece, was then adverted to; and also the necessity of furnishing them, "as commission merchants," with a solid foundation for their present advances, and future disbursements. And it is very plainly intimated, that, unless this be complied with, the frigates will not be suffered to depart.

If, in all the previous transactions, the conduct of the two houses had been unobjectionable, we do not perceive that they could be blamed for declaring they would hold the ships as pledges for their own indemnity. But it surely was incumbent on them, at the moment of making this serious declaration, to give something more than those general estimates; to account for the unexpected delays in their progress; and to show, with some precision of detail, what further sums would be absolutely necessary. The deputies were kept too much in the dark; and if, on the receipt of this letter, they felt astonished and indignant, those impressions could not have been diminished by the two separate letters, dated November 23d, which they soon afterwards received. The Messrs. Howlands, under this date, inform them that *one of the frigates was launched on the 18th instant*, and that the other would be in eight or ten days, which makes only four months from the time they were commenced. But Mr. Contostavlos reminds us of a joint letter, dated 4th May, in which it is stated that the construction was begun. Either that letter was a misrepresentation, or this an error as to time.

Le Roy, Bayard, & Co. more cheerily assure them, that *both are launched*, and advance with a rapidity of which they (the letter-writers) had no idea. These inaccuracies might well excite uneasiness; but a more important part of the letters seems to have destroyed all confidence. They are informed that each house has drawn on Messrs. Ricardo for 15,000 pounds sterling.

No authority for these new draughts had been transmitted, and the letter of October 31st, conveyed a clear intimation, that before proceeding further with the vessels, the guarantee of two houses, Baring, Brothers, & Co. and Samuel Williams, must be transmitted to them. Their drawing before they had received an answer to this letter, tended to increase the suspicions already excited, and it became a distressing question with the deputies, whether they should give a sanction to an immeasurable power over their funds, or should put at hazard all that they had advanced, by refusing to add to the large sums already received. The latter was adopted; and we are told by Mr. Contostavlos, that the two houses did not complain of

the conduct of the deputies. But these were not the only draughts protested. On the 15th of October, the deputies had sent a letter of credit from the Ricardos to Le Roy, Bayard, & Co. for 13,000 pounds sterling, and to G. G. & S. Howland for 12,000 pounds sterling, which *they hope will be sufficient to provide for what yet remains to be done*: and it is stated, that, after the arrival of this letter, and without adverting to their draughts of 22d and 31st of October, Le Roy, Bayard, & Co., on the 25th of December, drew at once for the 13,000 pounds sterling: on the 16th of January, 1826, Messrs. Howlands drew for the 12,000 pounds sterling allotted to them. These bills were drawn without letters of advice; and as well on this account, as for the reasons already mentioned, they also were protested: if the deputies were right in the first instance, it must be admitted that they also were in the latter. After the 23d November, no more letters were written by the two houses to the deputies; but they continued their care and attention to the vessels, perhaps not with the same zeal as before, although Messrs. Howlands, in the letter of 23d of November, strongly assert that "every earthly effort" shall be made to give them despatch.\*

After waiting some time for particular information, during which the anxiety of the deputies may easily be conceived, they determined to send one of their own countrymen to New-York; and Alexandre Contostavlos, an active and intelligent merchant from the unhappy island of Scio, was selected. He arrived at New-York on the 12th of April, full of desire to learn the obstacles that prevented the completion of those vessels, and to see them despatched as speedily as possible. After ascertaining their condition, his next step was to know from the two houses what was the state of their accounts, and what retarded the departure of the vessels. The astonishing information was communicated to him, that the houses had actually expended 743,984 dollars and 64 cents; and that balances were due on contracts, to the amount of 68,012 dollars and 70 cents: that the whole proceeds of their bills on England were 597,783 dollars and 21 cents; and of course there was a deficit of about 214,000 dollars to be satisfied, before the vessels would be delivered. It will be seen hereafter, how great a portion of the latter claim was utterly unfounded, and after some time abandoned. Contostavlos, however, instead of sinking into despondence, exhibited much promptness and energy; and he appears,

\* Report, p. 16. Captain Isaac Chauncey says that they might have been got ready for sea in February or March, 1826.



after a short deliberation, to have adopted the only course which the difficulties of the case would permit. He perceived that he was in the hands of men, whose proceedings too strongly indicated that those noble sentiments, which breathed in every line of the letter of the 15th of April, had given way to calculations, not only of indemnity, which were justifiable, but of exorbitant profit. He found that money, by way of loan, sufficient for the extrication of these desirable vessels, could not be raised; and, mortifying as it was, it appeared that the only mode of obtaining one, was, if possible, to sell the other, and apply the proceeds to discharge what might be justly due, and complete the necessary equipments of that which he should obtain.

But the chance of casual purchasers was slight. To procure and employ vessels of this size and character, is the affair of governments;\* and the possibility of inducing the United States to purchase one of them, appeared at once to this keen and indefatigable man, to be his only resource. His visit to the city of Washington, seems to have had the approbation of the houses, who furnished him with some introductory letters. On a comparison of the assertions of Mr. Contostavlos, and of those of Mr. W. Bayard, in their respective pamphlets, we remain under the impression, that a sale to the United States was the object of the former, and the hope of relief, in some other manner, was entertained by the latter. But to whomsoever the credit of the thought may be due, its success is undoubtedly attributable to the personal exertions of Mr. Contostavlos. It will be seen, by and by, that the arbitrators, (Jonas Platt, Henry C. De Rham, and Abraham Ogden, esquires), in justification of their allowance of a very considerable claim on the part of the houses, represent them as a sort of "diplomatic agents." If so, the present would have been a proper occasion for the exertion of their skill; but, instead of assisting Mr. Contostavlos as diplomatists, they descend again to the humbler ranks of commission merchants. They even hint a right to commissions on his successful operations, which, on his indignant remonstrances, we find them subsequently disclaiming. We are loath to use expressions of asperity; but we think, few can forbear to sympathize with this poor man; in a country perfectly strange to him; with finances reduced to inefficiency; tremblingly anxious to despatch the long-expected relief to his

\* Exposition, p. 18, where this idea is inserted for the purpose of showing that the houses had not a sufficient security in the vessels themselves. A just remark, which ought to have its full weight on both sides of the question.



countrymen; opposed by heavy and unfair accounts, which it would take much time to unravel; compelled to relinquish one of the vessels; and, at the interesting moment of his success in accomplishing this last object, threatened, in a manner which really bears the appearance of being mercenary and callous; with an accumulation of charge, under the name of *commissions on the re-sale*.<sup>\*</sup> Neither the dignity of diplomatists, nor the habits of honourable commission merchants, can palliate the suggestion that they had a right to such a charge, "*if they thought proper to make it*." It does not appear, however, to have had any effect in disheartening Contostavlos, or abating the vigour and acuteness of his subsequent proceedings. The presence and representations of Mr. Contostavlos had a strong effect on the good feelings of the legislature, and an act of congress was passed, by which the President was authorized to suspend building one of the frigates ordered by government; and, in lieu of it, to purchase one, if it could be done consistently with the interests of the United States.<sup>†</sup>

Three naval officers, of the first rank and character, were immediately sent to New-York, to examine those which were offered for sale; and in the execution of this public duty, no one ought to suppose that advantage was taken of the necessities of the Greeks, and a vessel obtained under its value, because there were no competitors in the market.<sup>‡</sup> After a careful examination of both vessels, these commissioners recommended the purchase of the *Liberator*, and a sale of her was made to the United States, for the sum of 230,510 dollars, being about *half* her cost to the Greeks. It then remained only to settle the accounts of the houses, and prepare the *Hope*, (subsequently called the *Hellas*,) for her departure. After some time, and while both vessels remained in custody of the two houses, an arbitration was agreed on.

With full confidence in their judgment and integrity, both vessels were conveyed to the arbitrators in trust for the purposes of the award, with power to convey one of them to any person or persons nominated in writing by both parties, for a price agreed to by both; the purchase money to be paid to the arbitrators. But if within thirty days such sale shall not be effectuated, the arbitrators may within twenty days afterwards sell

<sup>\*</sup> See the Narrative, p. 31, and compare the language of Mr. R. Bayard with the letter from the two houses to Mr. Contostavlos, in p. 32.

<sup>†</sup> Act of May 22, 1826.

<sup>‡</sup> The covert insinuations to this effect, in p. 13 of the Exposition, cannot be misunderstood, and cannot be approved.—It is noticed and refuted in the Examination, p. 58, &c.

on mortgage both, or either of them. Out of the *proceeds of such sale or mortgage*; the arbitrators are first to deduct their own charges for their services *as arbitrators*, and pay to the two houses the sum awarded to them, if any, and the balance to the Greeks.—The award to be made within twenty days from its date, June 23d 1826, but by consent of parties the term was subsequently enlarged.—Indemnities, arising from objections stated by the arbitrators, in respect to their responsibility as trustees, were subsequently signed by the counsel on both sides, Mr. Contostavlos being absent at the moment; and the two houses verbally engaged to pay the current expenses of watching, guarding, and insuring the ships. Able counsel on both sides attended, and on the 27th day of July the award was delivered.

The sum of 75,933 dollars and 89 cents, was awarded to Le Roy, Bayard, & Co. and to Messrs. Howlands 80,922 dollars 52 cents.—These sums, together with 4,500 dollars, the personal charges of *the arbitrators*, and all incidental expenses which they might have incurred in relation to the ships, until their sale or delivery of them, are declared to be payable from the “*avails of the ships, their tackle, apparel, furniture, and equipments.*” In the concluding paragraph, the arbitrators exhibit a strict regard to their own interests. If “*the fund now provided shall prove inadequate to the payment and indemnity of the said sum of 4500 dollars, due to them as arbitrators, with the contingent expenses,*” the parties shall be jointly and severally bound to pay and indemnify them to the extent of said sum, with the contingent expenses and “*interest thereon.*”

At the time of making this award, the arbitrators were ignorant of the state of the negotiations at Washington.\*—They were then informed that the money would be ready on the part of the government to pay for the *Liberator* in four or five days, and on the day of August,† after it had been received, the arbitrators conveyed this vessel to the United States, for the stipulated sum of 230,570 dollars; to which the sum of 3000 dollars was afterwards added for some reason that is not explained. On the 10th of August, the arbitrators, after deducting their own charges, paid to Le Roy, Bayard, & Co. 59,392 dollars and 27 cents—and to Messrs. Howlands 68,922 dollars and 28 cents, which the reader will observe is 16,540 dollars 33 cents less than had been awarded to the former, and 12,000

\* Report. p. 42.

† The day is left blank in the document published, Report, p. 72.

dollars less than had been awarded to Messrs. Howlands.—The difference was the effect of a compromise, for which different motives have since been assigned by the contending parties.

The Hope, at the request of Mr. Contostavlos, was conveyed to Le Roy, Bayard, & Co. on whom, as citizens of the United States, and ostensible owners of the vessel, would devolve the duty of clearing her out at the custom-house.—But before these closing scenes, an event had taken place to which we must revert.

John Duer, Robert Sedgwick, and Henry D. Sedgwick, Esqrs. were employed by Mr. Contostavlos as counsel for the Greeks; and it is merely justice to say, that through the whole of this unhappy business, they manifested great activity, firmness, and acuteness. With more than ordinary feeling, they appear to have pressed every reasonable argument in favour of their clients, and their ardour has not ceased with the departure of Mr. Contostavlos. The last pamphlet by Messrs. Duer, and R. Sedgwick, is marked by unabated fervour, cogent reasoning, and eloquent diction. They were much dissatisfied with the award, of which on the same day that it was read they gave intimation to the arbitrators. Dissatisfaction was also expressed by the other parties.\*

On the first of August, a formal notice was given by the counsel for the Greeks to the arbitrators, objecting to the disposal of either of the vessels.—On the 2d of August, a notice was received by them, from the counsel of the two houses, requiring them to proceed to mortgage or sell, one or both of the vessels, within twenty days, for the purposes mentioned in the submission. In hasty compliance with this requisition, the arbitrators, on the ensuing day, prepared an advertisement,† the publication of which was prevented by an injunction from the Equity Court, granted on that day, on a bill filed by Mr. Contostavlos. It terminated in the compromise, by which each house relinquished part of the sum awarded in their favour: the balance was paid to them out of the moneys received by the arbitrators from the United States. The arbitrators' own charges, and the incidental expenses, were satisfied; and Mr. Contostavlos received the residue, amounting to 96,629 dollars and 28 cents, with which he was enabled to defray the subsequent charges; and with mixed feelings of triumph and regret, to depart, in the hope that even yet, this small but costly addition to the naval strength of his country, might contribute to save it.

\* So asserted by the Arbitrators' Report, p. 44.

† Report. p. 46.



He sailed from Sandy Hook on the 16th of October last, and we are delighted to hear, has safely arrived in the Mediterranean.

Having thus exposed to light, briefly, but we hope not unfaithfully, the materials of this singular case, we shall proceed to consider, first, the claims urged against the Greeks by the two houses; secondly, the objections to those claims; and thirdly, the conduct of the arbitrators, and the merits of the award.

The claims may be divided into the following classes,—compensation for their services, reimbursement of their expenses, and indemnity for their responsibilities. The houses having undertaken the construction of the vessels separately, each house claimed a right to a commission of five per cent. on its own disbursements, and five per cent. by reason of responsibility on the contracts of the other; and this responsibility, which the standing of neither house could possibly require, is curiously extended to all the cash disbursements of each. When the answer of Le Roy, Bayard, & Co. was returned to the letter of inquiry from the Greek deputies, and the greatest readiness to undertake the agency was professed, nothing was said in respect to compensation; nor at any time, in any letter from either of the houses, was the subject adverted to. But soon after the arrival of general Lallemand, one of the members of the house of Le Roy, Bayard, & Co. verbally informed him, that they intended to charge ten per cent. as a commission for their services. The worthy general, little acquainted with mercantile business, and of course not quite competent to appreciate the propriety of such a charge, returned no answer, and, it appears, made no communication on the subject to his employers. It is asserted on one side, that his silence amounted to acquiescence, and that it must be deemed obligatory on the deputies. The other party contend, that the powers given to him were of a military nature, and had no reference to the accounts. This appears so obvious, from a perusal of the instructions brought out by him, that it is difficult to conceive how any other opinion could be formed of them. If the general had insisted on a lower commission, and had required them to do the business at or under five per cent. the houses would assuredly have denied his right to interfere. They could not therefore reasonably suppose that they were proceeding for this allowance, as in a matter of contract. General usage could not be a rule; for operations of this sort are too rare to form an usage; and the transactions of the house of Le Roy, Bayard, & Co. in some instances of a similar nature, constituted no au-



thority, unless they had been fully known to the Greeks. Mr. Bayard, in the Exposition, observes, that "the building of ships of war for a foreign government, is not within the ordinary range of mercantile transactions; nor are the commissions for an agency of this nature, to be regulated by the chamber of commerce, or the usage of commission merchants charged with the repairing or building of merchantmen." On the whole, we are sorry to say, that it bears the appearance of the two houses considering the Greeks in their power, and as compelled to submit to any terms that might be imposed.

It is alleged, however, that much injury would have been sustained, if, instead of the notice to general Lallemand, they had waited to communicate with the deputies; but if the right to this extraordinary charge is to be founded on contract, it is impossible to justify the silence of Le Roy, Bayard, & Co. in their letter of the 7th of December 1824, in which they enclose an estimate of expenses. The non-appearance of the Greek letter of inquiry, disables us from ascertaining whether any question on this head was contained in it. Several commercial gentlemen were examined before the arbitrators, both as to the reasonableness of the sum, and the amount usually charged for building and repairing vessels; but their evidence is too contradictory to enable us to arrive at a satisfactory conclusion.

In the account of disbursements, were included two heavy charges, for the exclusive use of ship-yards, and the personal exclusive attention of the builders to whom they belonged; but inasmuch as the substitution of building by day's work instead of contract, seems under all the circumstances quite judicious, and as it did not appear that ship-yards could have been procured elsewhere, or at a cheaper rate, the procedure appears to us to cast no reproach on the houses. We do not see the contracts made with those persons; but it must be understood from the evidence, that the right to make any other use of their premises, was absolutely surrendered, until the vessels were respectively launched. At the same time that we thus exculpate the houses, we cannot absolve the owners of the yards from the charge of an unreasonable and extravagant demand. It is impossible to believe their assertion before the arbitrators, that they lost money by the agreement; and it bears too much the appearance which characterises almost the whole of this transaction, of the Greek fund having been considered a profitable subject of pecuniary speculation.

The employment of a distinguished officer in the navy, to devote his whole time and attention to superintend the building, equipping and arming of the two vessels, until ready to sail,

formed another heavy article in the chapter of disbursements. The superintendence of a person practically acquainted with naval architecture and warfare, was surely desirable; whether the quantum of compensation was inordinate, is a different question. For the purpose of fulfilling this duty, captain Wolcott Chauncey obtained a furlough, and relinquished for a time, his pay and emoluments as an officer of the navy; which are somewhere stated to have been about 2,000 dollars per annum. His whole attention is said to have been faithfully directed to this object; his utmost skill was required, and his reputation was at stake. Still, however, the compensation was extremely large, but if he would not render his services on more considerate terms, and if no other person equally competent could be procured, the pressures on the two houses appear to us to justify them in the allowance, although for the sake of his own fame, we may regret that captain Chauncey rated them so high. It is more difficult to approve a subsequent allowance, made by the arbitrators to captain Chauncey, at the expense of the Greeks. He made an additional charge of 2,664 dollars, for services rendered from the 1st of March to the 1st of August, when he states that the vessels were ready to receive their provisions and crew on board. The arbitrators allowed him 1,500 dollars. If they were ready to sail, if the armament and equipment were complete, the higher duties of captain Chauncey were at an end; and a judicious captain of a merchantman might easily have been found at a much lower rate to take care of them. This would undoubtedly have been done in a private case, but economy seems to have been thought unnecessary, in reference to the supposed exuberant funds of the Greeks.

Under the third class of accounts, two extraordinary claims were presented and insisted on. The first was for damages and re-exchange on the bills drawn in November, December, and January, which, as we have observed, were protested.

The sums claimed by both houses on this score, amounted together to 73,260 dollars.

Independently of the sufficient reasons, which, as we have already observed, the deputies had for refusing to admit of their payment, the houses had not the plausible pretence of having sold any of the bills to third persons, and thereby become liable for such damages. The arbitrators justly rejected both this, and a separate claim of Messrs. Howlands, amounting to about 42,000 dollars. As the last mentioned demand was not only persisted in, after Le Roy, Bayard, & Co. advised it to be relinquished, but has recently been attempted to be justified by a

publication in the newspaper, it may be proper to give a more particular explanation of it.

When general Lallemand arrived at New-York, he delivered letters to the two houses, authorizing each of them to draw on Samuel Williams for 25,000 pounds sterling. In a subsequent letter, without revoking or altering the former, they are instructed to draw on Messrs. Ricardo. But Messrs. Howlands, under some strong influence in favour of Mr. Williams, declared their intention to draw on him. General Lallemand opposed it, and desired them to conform to the instructions of the deputies. They answered that they would draw on the Ricardos in favour of Williams, with whom they would leave the funds, on which their particular draughts would afterwards be passed. General Lallemand declared, that from the time the Ricardos paid the bills, the funds would be at the risk of Messrs. Howlands. They agreed that this was just. The bill on the Ricardos was accepted and paid to Williams, and two months after he had received it, he failed. The Howlands had desired him to keep it to the separate account of the Greek transaction, which he neglected to do; and as general creditors, Messrs. Howlands were subjected to a loss, which they most unjustifiably endeavoured to throw on the Greeks. Now, independently of the admission to general Lallemand, it would be a waste of time to enter into a serious argument on a position so obvious, that payment to Mr. Williams was payment to the Howlands, and that their private instructions as to the manner of keeping the account, could not affect the deputies.

An extraordinary texture of mind could alone have suggested, or could still persevere in such a claim; and yet so late as the 23d of January last, we find a publication of these gentlemen in the New-York papers, in which they still endeavour to justify it, and to support it by an opinion obtained from a respectable counsel, whose misapprehension of the facts has since been well shown through the same channel, by Mr. Robert Sedgwick.

On the part of the deputies, the objections to these claims were presented in much force, and on various grounds. It was strongly denied that the two houses, but particularly Le Roy, Bayard, & Co., were entitled to any commission whatever. The main principle on which this argument rested, will lead us into some points, which, for the purpose of condensation, we have hitherto reserved; and they will be found to form one of the most interesting parts of the whole case. The Greek deputies, while they justly counted on a kind and friendly feeling among us, were fully aware of the neutral attitude of



the government; it was not expected that we would voluntarily involve ourselves in hostilities with Turkey, and it was doubted whether to construct, equip, and dispatch vessels of war, from our ports, for the purpose of combating with the Turks, would be permitted. They were consequently anxious, before they put their funds in hazard on such an enterprise, to ascertain with precision that it might be done with safety. Of the general law of nations, they could not be ignorant; of our particular legislation, they appear to have had no knowledge. They imagined that it rested with the executive branch of the general government to permit, or to prevent all armaments of this nature. They knew not that by an act of congress, passed a few years ago,\* every vessel fitted out and armed with intent that she shall be employed against any foreign state, with which the United States are at peace, was liable, on the motion of any common informer, to seizure and confiscation, and they were ignorant that the express permission of the executive government would not protect her from such disaster.

But this ought to have been known to the two houses. It was at any rate their duty to inquire at the best sources, and fully to apprise the deputies of the risks that would be run. The first letter from the deputies, as we have already noticed, was never produced, and its contents are not set forth in any of the pamphlets; we know not, therefore, whether it contained any inquiries on this head. The answer of Le Roy, Bayard, & Co. is entirely silent on the subject; but in the instructions brought by general Lallemand, the ultimate paragraph is thus expressed:

"Before any arrangement is made for executing these orders, by purchasing or *building* the frigates, the two houses to whom general Lallemand is referred, must ascertain, in the *most unequivocal manner*, that their government will permit the sailing of the frigates, and the enrolling of the men, and that this operation, so important to the welfare of Greece, will meet with no opposition from the government, or the laws of the United States."

Nothing could be more just or more explicit than this requisition; but the answer deserves particular notice. In respect to purchasing ships from the United States, or borrowing timber from its yards, the houses say, they had consulted one of the navy commissioners, and find it impracticable, without the assent of congress, which was not then in session. A similar request had been made by the governments of Mexico and

\* Act of 20th of April, 1818.



Peru, and although their independence has been acknowledged, the demand was refused:—

“The position of Greece is different. Our government will refuse to do any act which might lead to difficulties; and although there is no law which prevents the *building of ships*, yet to avoid all complaints from the governments of Europe, it is proper to avoid an useless publicity; and we will give it to be understood, that we are building for the government of Peru. In sending the ships to sea, armament will be put on board as cargo. THERE WILL BE NO DIFFICULTY, AND THE SHIPS MAY BE ENSURED AT A LOW RATE.”\*

It would, at first view, be supposed that language like this was sufficient to put the deputies on their guard. The cautious conduct of our government towards countries whose independence they had acknowledged, indicated no assistance to a country whose independence was not yet admitted. The propriety of avoiding publicity, and the puerile conception of resorting to a falsehood so easily detected, as the assertion that the vessels were building for Peru, were, if this sentence had stood alone, enough to alarm; but when two mercantile houses, of high standing and commensurate ability, expressly declare “there will be no difficulty,” it amounted to a guarantee, on which the deputies cannot be blamed for relying. They had already placed 50,000 pounds sterling at their disposal, and it was too late to recede. On the other hand, the houses had nothing to risk. By keeping large funds in their hands, and regulating their contracts and disbursements accordingly, they were always sure, that, whatever fate befell the vessels, *they* could not suffer. It is true, that those who are concerned in fitting out and arming a ship for the purposes mentioned, are subject to fine and imprisonment; but this could only be on the prosecution of the officers of government, from whom they had nothing to fear, while the property, including not only what had been worked up, but all that had been procured for the purpose, was at the mercy of every base and venal informer. Every citizen is supposed to be acquainted with the laws of his own country. If the two houses did not know them, they were grossly negligent; if they did, it was fraudulent not to communicate them distinctly. Fortunately, no information was filed, and when the *Hellas* had passed Sandy Hook, she was out of danger. But the soundness of such conduct is not to be judged by its success. Upwards of seventeen months, the large sums advanced from time to time by the deputies lay, without

\* Examination, p. 163. Letter set forth at length.

their knowledge, at the hourly chance of total loss; and if such a seizure had taken place, we doubt extremely if the law would have afforded them any redress against the two houses. For the maxim is, that no person, although a foreigner, can contravene the laws of the country, in which the transaction is carried on; his allegation of ignorance is not admitted to avail him. When the counsel for the deputies argued that they had a right, unless certain terms were agreed on, to throw the property on the two houses, and recover from them the entire money which they had received, the arbitrators properly rejected the claim. But the same principle is decidedly hostile to allowing the demands of the opposite parties. In an illegal transaction, the plaintiff never receives the aid of the law to enforce his claims against the law. And this, not out of favour to the defendant, but because the law must not be made the organ of its own violation. When to this principle is added the deception practised on the deputies, the exorbitant demands of both houses, and particularly the unjust attempt of one to shift from itself the loss occasioned by the failure of its own banker, and the consequent necessity of depriving the Greeks of one of their two frigates, we cannot but think that "rigid justice" would have dictated the rejection of all the commissions claimed. We shall revert to this subject before we conclude.

In their own report of their proceedings, the arbitrators inform us, that they allowed the claim of ten per cent. commissions to the two houses; the compensation to captain Chauncey, and the owners of the ship-yards; a quantity of shot which was shipped from Georgetown, and lost at sea, which Le Roy, Bayard, & Co. had not ensured; commissions on goods furnished by that house from its own stores; and certain law charges, &c. They have allowed to the deputies an interest on the time the moneys lay in the hands of the two houses, unapplied to the purposes of the agency; but in the manner of doing this, they have committed an error to the prejudice of the deputies, asserted to exceed 15,000 dollars. The arbitrators assumed an epoch, (November 28th), from which the interest was calculated; and, for fixing on this day, they assert the houses had a right to draw in advance. The question of interest, however, turns upon the time when the party becomes possessed of the money; and not on the time when he has a right to the possession of it. The arbitrators were wrong in their premises. While the money lay on hand, the houses had the benefit of it, and ought to pay interest: from such times as disbursements took place, interest should cease, and commissions, if justly due, be allowed. The calculation may be trou-

blesome, but the rule is unquestionable. They rejected the claim of twenty per cent. damages on the protested bills, although, with some inconsistency, they assert the houses had a right to draw; and the claim of the Howlands is also rejected, though "they felt the hardship of the case"! They rejected the claim of two and a half per cent. for drawing bills, which, in cases of moderate commissions, is usual; but, in lieu of it, they allowed one per cent. "on part of the bills, to cover all contingent charges for brokerage, agencies, notarial expenses, &c. &c." "which, by accounts rendered on the back of some of the protested bills, were very considerable." Brokerage, when bills were not sold; agencies, when the agents were those of the drawers themselves, to receive the moneys to their own use; notarial charges, of which there could have been none on the bills accepted and paid! In very few of the small points do we conceive their decision to be correct; but this article has already occupied too much space to justify an examination of them all.

The allowance of ten per cent. commissions, in an altered form, amounting to about 80,000 dollars, may be examined, first, in reference to the legality of the entire transaction; and secondly, the implied contract attempted to be deduced from the testimony of general Lallemand. The latter may be disposed of in the first place. It is conceived by the arbitrators, that this subject was embraced in the powers given to the general; that the intimation from Mr. Bayard was to be viewed as an intimation to the deputies; that the silence of the general was the acquiescence of the deputies; and it is urged, that a previous communication to the deputies, would have been "affrontful" to them, and would have caused an injurious delay. All this reasoning is very fallacious. It is manifest that general Lallemand's powers did not extend to this subject. His own construction was the true one. He testified before the arbitrators, that when he undertook the agency, it was understood that he was to have nothing to do with the *financial* part; his agency related to the *executive* part merely; that he stated this distinctly to the two houses on his arrival, and has invariably acted on that system.

No notice to him, therefore, could be considered as notice to the deputies. But the principle laid down by the arbitrators, operates directly against the two houses. If the letter of December 1st, 1824, omitted informing the deputies that they required a certain commission, they left the deputies under a fair impression that the charge would be according to the usage, whatever it was; and that usage ought to have been clearly proved. The suggestion that a communication to the



deputies would have been affronting, has at least the merit of novelty, but mingled with a little absurdity; and if delay had been occasioned, it would have been justly imputable to Le Roy, Bayard, & Co., who, in their letter of December 7th, 1824, in which they eagerly offer to undertake the business, and point out their proposed manner of doing it, so as to be most beneficial to the Greeks, wonderfully omit to say, that they shall charge an extra commission. After the two houses became possessed of the 50,000 pounds sterling, a candid communication of their intention to exact this large commission, would have thrown on the deputies the necessity of proceeding on such terms, or of employing other agents; but, till the arrival of Mr. Contostavlos, the deputies were left, in this respect, altogether in the dark. The houses had power in their hands, and have, we are sorry to say, shown little mercy in the exercise of it. Dismissing, therefore, the pretence of implied contract for this large claim, let us examine whether the peculiar nature of this agency can support it.

By the arrangements with the ship-builders and captain Chauncey, and by the particular functions of general Lallemand, the houses were relieved from all the purely technical part of its duties. One or more of them attended in a committee, three times a week; and it was testified, that they frequently visited the ship-yards. Yet if so, it is strange that they should disagree on a fact so interesting, as whether both vessels were launched, when they separately wrote on the same day, the 23d of November. The formation of contracts for materials, the supply, and payment of money, were their chief concern.

The arbitrators, in support of their own liberality, have elevated them to a higher rank than mere commission merchants. It was "a special confidence of a political as well as commercial character. The houses, with general Lallemand, were in fact diplomatic agents in a very difficult and delicate affair with our government." Some evidence on this point may exist, that we have not seen, but the minds of the gentlemen themselves were surely not so aspiring, when, on the 31st of October, in a letter to the deputies, they describe themselves as mere "commission merchants." There is no trace of applications to any of the officers of government, except the inquiry of one of the commissioners of the navy board, already noticed; and the arbitrators themselves say, that whether the houses procured the favour of the government, in the manner contemplated, is a matter on which they express no opinion, although it is precisely the point on which they ought to have formed an opinion, before the charge was admitted on a ground so fanciful. The



decorative title of diplomatic agents, owes its existence entirely to the plastic minds of the arbitrators, who, by adopting it, condemn their own decision—who imagine a character to justify a pecuniary allowance, and for the purpose of bestowing an inordinate gratification on two mercantile houses, raise them to the rank of public ministers from a foreign nation. In this unsolicited, and unacknowledged elevation, we see nothing but the extreme difficulty of the arbitrators to support their own proceedings, and we deem it equivalent to a confession, that in a mercantile point of view, the commissions were inadmissible. On another point, we fully concur with the arbitrators. They are “decidedly of opinion, that this *enterprise* was within the purview, and subject to the penalties of the third section of the act of the 20th of April 1818.” How then could the favour of government protect it?

Another defensive argument of the arbitrators appears equally fallacious. One of the counsel, as we have already noticed, had contended that the transaction was illegal, and that the deputies being kept in ignorance of its nature, they had a right to recover back all the moneys they had paid, with interest; but the right would be waived, on certain allowances being made. The opposite party refused to comply. The arbitrators, forgetting their own construction of the instructions, that the opposition of government alone was contemplated, now observe that the silent acquiescence of the deputies in a series of acts, after their receipt of the letters, dated the 15th and 16th of February 1826, expressly informing them that the ships were liable to seizure, precluded this objection. It merits serious notice, that at so late a period as the 15th of February 1826, after the two houses had drawn to the amount of 155,000 pounds sterling, they should have first distinctly informed them of the real jeopardy of their ships. The letters were written to Messrs. Ricardo, who, in consequence of a difference with the deputies, had applied to the houses here, in hopes of getting possession of the vessels. The deputies were kept in similar ignorance of all the subsequent transactions of the two houses. No letter was received from them after the bills were protested. But the general course of their previous correspondence warranted the belief that the vessels were nearly ready for sea. When Mr. Contostavlos arrived in April, he saw the state of things; and certainly did not rescind the contract. But let us consider the application of the principle relative to affirming or rescinding contracts. The general doctrine of the arbitrators is right. He who by words or acts *affirms*, cannot afterwards *disaffirm* the

same transaction; he has "no right to vacillate upon the evidence as gradually unfolded."

But the operation of this principle should not be confined to the deputies, nor to one part of the case. The arbitrators have not perceived that it precludes the two houses from taking advantage of the illegality of the transaction, to enforce a compliance with their own demands; that it binds them in respect to the *amount* of commissions, when they neglected to give notice to the deputies in an authorized manner, and yet proceeded with the work; and in some other respects has a powerful bearing on the case.

We concur with the arbitrators that the terms of the *submission* imply a ratification of the contract, but we cannot think it binding on either of the parties as to its particular parts, and still less so, as to the substratum of the whole—the legality of the measure.—If the proceedings in the court of Equity had been pursued, it would have been scarcely possible to prevent this ground from being taken by the judge, whether suggested by the defendants or not; and the unfortunate Greeks, deceived by the letter of April 15th, 1825, must have lost all the moneys they had incautiously advanced. On the other hand, the two houses could have supported no legal procedure for the sums they still considered due; and the remaining vessel, if not seized by a common informer, would have afforded no adequate security.\* There were, therefore, strong motives on both sides for a compromise, and it is much to be regretted that the two houses, at an earlier period, did not waive a greater proportion of their inadmissible claims.—On the 21st of July, after the discussion before the arbitrators had commenced, the counsel of the two houses offered to give up the following charges, 1st. the damages on the protested bills, about 60,000 dollars—2d, the 7,500 pounds sterling lost by the failure of Mr. Williams; 3d, the commission of two and a half per cent. on the bills drawn, about 18,000 dollars—which three items were subsequently decided against them.—Mr. Contostavlos requiring some further concessions, the proposal failed.

It is painful to reflect, that the two houses, who must have been as fully conscious of the unfounded nature of these demands in April as in July, should have held them up as obstacles to the delivery of the vessels—and should have driven the disappointed and indignant Contostavlos to the necessity of selling one, at a heavy loss, to liberate the other.

\* For this we have Mr. Bayard's assurance in the Exposition, p. 18.

Our remarks on the award ought not to be closed, without a word on the arbitrators' own compensation. It was provided in the submission, that in case of sale or mortgage of the vessels, their own costs and charges, as arbitrators, should be deducted.—The amount of the charge in this respect was left to themselves; and we cannot suppress our conviction, that the arbitration charge is exorbitant. If Mr. Costavlos is correct, in saying that they were occupied nineteen days—it yielded to each of them nearly seventy-nine dollars per diem. Much generous feeling towards the Greeks is expressed in some part of the report; but it is difficult to reconcile the sincerity of the declaration, with the magnitude of the charge.—To some minds, the opportunity of doing justice to a nation, so applauded and so oppressed, would have been in itself an ample gratification:

“Thanks to men  
Of noble mind is honourable meed.”

If this were too much to expect, it ought at least to have been treated as an occasion, on which more would not be exacted from foreigners than from fellow-citizens.—But the high scale of expenditure, which in so many parts received the sanction of the arbitrators, seems to have had a contagious operation on them; and both the ship and the award are charged at the highest prices.

We cannot refrain from again adverting to the sum of 50,000 dollars, allowed to the owners of the ship-yards. The money of the Greeks, seems to have been considered throughout, as a fund on which rapacity might securely prey. The urgency of the case was known, and an opportunity was presented for the owners of places, of suitable accommodation, to exact such terms as they might think proper. Neither of these two men were to expend a cent. In Philadelphia, during the last year, a vessel of 1300 tons (which may be ultimately disposed of for warlike purposes) was built and launched. We have been informed that the owners of the yard charged 10,000 dollars for the exclusive use of it, and for their own superintendence of the work.

But further to assist our readers to understand the nature of these charges, we have procured from an eminent naval constructor, an estimate of the cost of building a frigate of the largest class, together with a copy of the estimate made by the commissioners of the value of the sails, rigging, armament, &c.

of the *Liberator*, a copy of which is annexed.\* In the estimate, the cost of the ship-yard is the same as paid by the government in the case of the *Guerriere*, at which time the wages of ship-carpenters in Philadelphia were nearly the same as in 1825. To enable our readers to compare the charges, we will now give a short abstract of them, not deeming it necessary to copy the very detailed account of Messrs. Howland; for which see Contostavlos's pamphlet.

*\* Estimate of the Cost of a Frigate of the first class.*

Frame of white oak, 24,000 cubical feet, at 50 cents,	-	-	\$ 12,000	00
Other materials,	-	-	32,000	00
Labour,	-	-	60,000	00
For the purchase of ship-yard tools, and blacksmiths' tools,	-	-	3,000	00
Master shipwright's services, being the sum given for building frigate <i>Guerriere</i> , purchasing materials of wood, employing workmen, and hire of ship-yard,	-	-	†3,000	00
			<hr/>	
			\$110,000	00

[The remaining part of the estimate is copied from the one made by the Commissioners appointed by the Secretary of the Navy to value the frigate *Liberator*, and is believed to be correct.]

Iron,	-	-	9,795	00
Copper and composition,	-	-	27,140	00
Standing and running rigging, cables, hawsers, and messengers, (per inventory)	-	-	12,698	00
Chain cables, 75 and 45 fathoms, 1 5-8 and 1 3-4 inch,	-	-	1,822	80
Boats, with oars, complete,	-	-	1,885	00
Water-casks, 33,000 gallons,	-	-	3,330	00
Blocks,	-	-	5,000	00
Sails,	-	-	17,000	00
Anchor,	-	-	4,474	00
Kentledge, 100 tons,	-	-	4,000	00
Galley,	-	-	2,000	00
Armament, thirty-four 32-pounder cannon,	-	-	13,566	00
Three thousand 32-pound shot, and nine hundred 32-pound grape,	-	-	7,004	00
Thirty 42-pound carronades,	-	-	5,550	00
Twelve hundred and seventy-five 42-pound shot, and five hundred 42-pound grape,	-	-	1,680	00
Gun-carriages, and all the apparatus belonging to the armament, including the stores in the gunner's department, the magazine furniture, the forge, bellows, and all the articles belonging to the blacksmith's department (per inventory)	-	-	13,426	17
			<hr/>	
			\$240,370	97

† Smith & Demon, of New-York, received for their services, for the hire of their ship-yard, and the use of their yard tools and shop, 23,000 dollars. The master shipwrights of the *Guerriere* (for there were two of them) received for their services, and for the hire of their ship yard, 3000 dollars!

‡ For this estimated sum of 110,000 dollars, Messrs. Smith & Demon received 100,914 dollars and 18 cents!



MESSRS. HOWLAND'S BILL FOR		ESTIMATE.	
LIBERATOR.			
Smith & Demon's		Frigate of largest	
bill, - - -	\$190,914 18	class, - - -	\$110,000 00
Sails, rigging, ar-		Sails, rigging, ar-	
mament, &c. 207,065	46	mament, &c. by	
After disbursements, 2,643	02	commissioners'	
		estimate, - -	130,370 97
	400,622 66		
Paid Capt. Chauncey,			240,370 97
insurance, &c. &c. 7,955	64		
Commissions, -	40,551 85		
	\$449,130 15		

We have now arrived at the end of an examination which we felt it our duty to undertake, not with a view of ministering to passions which appear to have been strongly excited, but for the higher object of endeavouring to relieve our national character from imputations which in other countries might be cast on it. We believe we hazard nothing in asserting, that the general sentiment of our country is that of *disapprobation and regret*. No American journal has uttered a word in extenuation of the obliquity; many of our public writers have stigmatized it; not a voice has pronounced a favourable sentence, but from the circle of the parties. The only instance in which we could render to the Greeks any substantial service, has manifestly been perverted by private cupidity to unwarrantable emolument; a profit of 80,000 dollars made out of their distresses, by their mercantile correspondents, the "diplomatic agents" of the arbitrators; 50,000 dollars extorted for the use of ship-yards, and personal services of the owners, without expending any of their own money; 10,000 dollars, the *sine qua non* of a captain of the United States' navy, for superintending an operation in "a just and sacred cause;""

\* Exposition, p. 10, contains the agreement made with captain Chauncey, in which the above expression is used. Terms of blandishment will not reconcile us to an enormous expense. That the language here used meant nothing, is evident from a passage in Mr. Bayard's Exposition: "It was attempted on the arbitration, as it now is in the Narrative, to magnify the exorbitance of our demand, by a reference to the holy cause for the support of which the ships were destined. I here take occasion, once for all, to say, that this agency was undertaken purely as a matter of business. The sufferings of the Greeks we had commiserated with as much sincerity, and had contributed to relieve perhaps with as much generosity, as many of those who would now rank us among the enemies of that injured and oppressed people; but this was not considered by us as an occasion for the display either of our sympathy or our bounty."

4,500 dollars imposed on them by arbitrators, for the dedication of a few days to the dispensation of justice ! This disgraceful catalogue needs not to be extended. If these pamphlets, and this review of them, should ever reach the shores of Greece, the bitter sensations which will be excited by the exposure of the transaction, may perhaps be alleviated by the assurance, that *here* sympathetic feelings also are found. But we shall be sorry on our own accounts, as Americans, if all these pamphlets, and particularly Mr. Bayard's,—which breathes an unseemly contempt and defiance, which is more remarkable for confidence than refutation,—shall come to their hands. The ungenerous and injurious assertion of the inferiority of the Greek moral character to that of the Americans, by one of the counsel, introduced into his pamphlet, and therefore countenanced if not adopted by the author, may tend to produce recriminatory sentiments towards such of our countrymen as may visit that classic country, when hereafter—as we humbly invoke the Divine Providence it may be enabled to do—it shall have attained peace, freedom, and independence.

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#### ART. XIII.—SOUVENIRS.

- 1.—*Forget Me Not; a Christmas and New-Year's Present.* London, 1827.
- 2.—*The Amulet.* London, 1827.
- 3.—*The Literary Souvenir; or, Cabinet of Poetry and Romance.* London, 1827.
- 4.—*Friendship's Offering.* London, 1827.
- 5.—*The Atlantic Souvenir; a Christmas and New-Year's Present.* Philadelphia: Carey & Lea, 1827.
- 6.—*The Memorial.* Boston, 1827.

THE liberality with which literary talent, of every description, has of late years been rewarded, has stimulated every power of the mind into action. Wit has taxed its invention to open new veins of pleasantry; and Imagination has sought untrodden regions to furnish delights. Romance has made alliance with History, to give more substance to her feasts; and Poetry has assumed an hundred shapes to bring variety to her entertainments.

Nor has this eagerness to pamper the public appetite with the gifts of genius, been confined to the matter provided for it;

the manner of serving it up, has also exercised ingenuity and taste. The daily or monthly journals were, for a long time, the only repositories of the minor works of poetry and prose, whose authors, however richly gifted, had not the opportunity or inclination to swell their labours to a volume. They were thus mixed with a far greater mass of other matter, uninteresting to the belles lettres reader, especially of the gentler sex; and were circulated in channels to which they did not properly belong. The politician and the trader would pass his eye, carelessly if not disdainfully, over a precious morsel of the muse, which would afford exquisite pleasure to a large class of readers, to whom these journals are but little known. The invention or introduction of the annual offerings, under the names of "*Forget Me Not*," "*Souvenir*," &c., has provided a complete and acceptable remedy for this defect. An appropriate habitation is furnished for these sweet and delicate creations, where they dwell together, and combine their charms to instruct and delight. Whatever may be the rank which greater undertakings and extended volumes may be destined to hold in the world of literature, there can be no doubt about the beauty and excellence of the more unpretending effusions of genius to which we have alluded. The taste which they have charmed with their delicacy; the hearts they have touched with their sensibility, bear a testimony in their favour which cannot be impeached by criticism, nor shaken by disdain.

These annual presents are not only the nurses of intellectual enjoyment, but of the finest talents in the arts. Designing, drawing, engraving, printing, are all encouraged to exert their utmost skill to embellish these little volumes. The most distinguished artists are employed; and, if we judge by the excellence of their work, no cost is spared to enable them to do full justice to their talents. The public have fully and fairly sustained the publishers in their munificent design. The editor of the "*Forget Me Not*," for this year, says, "Though nearly ten thousand copies of the last volume were printed, yet so rapid and extensive was the demand, that this large impression was exhausted, some time before Christmas, and the publisher received orders for thousands more than he was able to supply. A much larger edition has this year been prepared."

As the circulation of these works in the United States has not been very considerable, we think we shall perform no unacceptable task for our readers, in opening for them these caskets of brilliant gems, to scatter among them some of the rich and various flowers which shed their delicate perfumes

on the treasure. We have not been solicitous to exclude from our notice those pieces that have appeared in our daily journals, for this might have deprived us of some of the best parts of our selection; especially as we have, in several instances, transcribed but parts of the compositions selected.

We begin with the "*Forget Me Not.*"

This volume contains thirteen engravings, executed by artists of the highest reputation, from designs and drawings by the most celebrated pencils of England. There is great variety in the subjects; all of which are treated most happily. Every thing in the book is original, and prepared expressly for it. The editor is no vain-boaster, when, in his preface, he says—"A reference to the contents, and a glance at the numerous names, more or less eminent in the various walks of literature, displayed in the pages occupied by them, will at once show the great accession of contributors, and the mass of talent which has co-operated in the production of this volume.

We cannot pass by the "*Household Spaniel*," without a tribute of commendation, although we shall make no extracts from it. Most families have had a favourite, domestic dog, who has died in age and infirmity, "crippled and blind;" and such will appreciate properly the truth of the description and reflections prettily displayed in these lines.

"*Amba, the Witch's Daughter*," to the lovers of pathetic legends, will be found an interesting tale, displaying strong feeling, and uncommon powers of description. We offer a short extract. *Tarbara*, the husband of *Amba*, had gone forth to defend his country from an invasion of the Ashantees. A battle had been fought on the frontier, in which the invaders were victorious; and news is brought to *Amba*, that *Tarbara* was slain. Her grief is strongly depicted; but she will not be convinced that her husband has fallen; and partly on this account, but more to avoid the dishonourable solicitations of an European governor, she resolves to depart from her home; to visit the field of battle, and seek for her *Tarbara*. She travels through desolate forests, made more terrible by ferocious beasts; she walks amidst the whitened bones of the slaughtered; and is overtaken by an appalling tempest.

"Overcome with fatigue, and unable to distinguish even a deserted habitation, the poor wanderer heard with awe the whistling of the breeze, which, to an experienced ear, foretold the approach of a tornado. A low hollow murmur moaned through the forest, and was succeeded by a death-like stillness; not a breath of air was to be felt, and the bombax and the baobab, lords of the vege-



table world, seemed to stand in their proud strength, awaiting the blast of heaven, like the giants of old, who breathed defiance to the lightnings of the mighty Jupiter. This awful tranquillity was at length broken by a deep groan, which increased in strength, and became more frequent, as it approached Amba. Scarcely knowing whither she fled, she reached the buttress of a bombax, projecting like a low wall several yards beyond the parent stem, and running along the narrow ridge, she twisted her hands into the parasitical plant which encircled its massy trunk, and gradually mounted till she reached one of the lower branches, where, taking off her scarf, she tied herself fast to it, that the rockings caused by the storm might not precipitate her to the ground. She had scarcely done this, when a huge lion came to the spot she had just quitted, continuing his howlings, rolling his large fierce eyes, and lashing his sides with his tail. He solemnly paced on, making the whole forest echo with his cries. The monkeys were heard jumping through the boughs, that they might nestle close to each other in groups, one of them occasionally setting up a shrill piercing scream, as he was in danger of falling, from the pressure of his companions, who were anxious to get into his place. A faint cry, like that of an agonized human being, proceeded from the sloth, which was answered by the loud laugh of the hyæna, as if in mockery of distress. But the storm began, and all voices were drowned in the sweeping whirlwind, which seemed to shake every tree from its roots; many of the lower ones fell. But as the blast increased, a mighty crash was heard, which seemed to involve the forest in ruins. A huge baobab, which had defied the storm for centuries, at last gave way before its fierce enemy, and fell prostrate, bringing with it every tree which grew in its vicinity, and crushing all the living beings which had sought refuge in its branches. As if satisfied with the deed, the whirlwind ceased, and was succeeded by a lengthened roll of thunder, like a shout of triumph. Large drops of rain followed, and heaven and earth seemed as if joined by one broad sheet of water. The lightning alone illumined the darkness, and striking a tree not far from Amba, split it to its base, and set the forest in a blaze, which was stifled by the torrents that poured upon it. The thunder which followed seemed to shake the earth even to its centre, as it rose to the shock with a convulsive heave. At length the storm died away, and the sun flashed his bright beams through the massy foliage, the drooping branches raised their heads, the birds trimmed their feathers, and from the smallest insect to the huge elephant, all nature seemed to awake as if from a stupor."

Incidents and images of terror are here powerfully collected and narrated. The nature of the scene requires all the strength of colouring used in portraying it.

We take a large portion of the stanzas entitled "Forget me Not"—but not more than will be read with pleasure—

The star that shines so pure and bright,  
 Like a far-off place of bliss,  
 And tells the broken-hearted  
 There are brighter worlds than this;  
 The moon that courses through the sky,  
 Like man's uncertain doom,  
 Now shining bright with borrow'd light,  
 Now wrapp'd in deepest gloom,—  
 Or when eclipsed, a dreary blank,  
 A fearful emblem given  
 Of the heart shut out by a sinful world  
 From the blessed light of heaven;—  
 The flower that freely casts its wealth  
 Of perfume on the gale;  
 The breeze that mourns the summer's close  
 With melancholy wail;  
 The stream that cleaves the mountain's side,  
 Or gurgles from the grot—  
 All speak in their Creator's name,  
 And say "Forget me not!"

When man's vain heart is swoln with pride,  
 And his haughty lip is curl'd,  
 And from the scorner's seat he smiles  
 Contempt upon the world;  
 Where glitter crowns and coronets,  
 Like stars that gem the skies,  
 And Flattery's incense rises thick,  
 To blind a monarch's eyes;  
 Where the courtier's tongue with facile lie  
 A royal ear beguiles;  
 Where suitors live on promises,  
 And sycophants on smiles;  
 Where each, as in a theatre,  
 Is made to play his part;  
 Where the diadem hides a troubled brow,  
 And the star an aching heart:  
 There, even there, mid pomp and pow'r  
 Is oft a voice that calls  
 "Forget me not," in thunder,  
 Throughout the palace halls.

Go! hie thee to the rank churchyard,  
 Where flits the shadowy ghost,  
 And see, how little pride has left  
 Whereon to raise a boast.  
 See Beauty claiming sisterhood  
 With the noisome reptile worm;—  
 Oh where are all the graces fled  
 That once array'd her form!  
 Fond hope no more on her smile will feed,  
 Nor wither at her frown:  
 Her head will rest more quiet now  
 Than when it slept on down.

With cloven crest and bloody shroud  
 The once proud warrior lies;  
 And the patriot's heart hath not one throb  
 To give to a nation's cries.  
 A solemn voice will greet thine ear  
 As thou lingerest round the spot,  
 And cry from out the sepulchre,  
 "Frail man, Forget me not!"

Oh! who that sees the vermeil cheek  
 Grow day by day more pale,  
 And Beauty's form to shrink before  
 The summer's gentlest gale,  
 But thinks of Him, the mighty One,  
 By whom the blow is given,  
 As if the fairest flowers of earth  
 Were early pluck'd for heaven.  
 Oh yes! on every side we see  
 The impress of his hand;—  
 The air we breathe is full of Him,  
 And the earth on which we stand,  
 Yet heedless man regards it not,  
 But life's uncertain day  
 In idle hopes and vain regrets  
 Thus madly wastes away.  
 But in his own appointed time  
 He will not be forgot;—  
 Oh! in that hour of fearful strife,  
 Great God, forget me not!

There is a despairing tenderness, a touching resignation, in the lines, headed "*Maria de Torquemada*," which will excuse us to the heart of sensibility, for giving them entire.

There is a spot, a holy spot,  
 A refuge for the wearied mind,  
 Where earth's wild visions are forgot,  
 And love, thy poison-spells untwined.  
 There learns the wither'd heart to pray—  
 There gently breaks earth's weary chain:  
 Nay, let me weep my life away—  
 Let me do all, but love again!  
 Oh, Thou that judgest of the heart,  
 Look down upon this bosom bare;  
 And all, all mercy as thou art,  
 Save from that wildest, worst despair!  
 There, silent, dreamless, loveless, lone,  
 The agony at last is o'er;  
 The bleeding breast is turn'd to stone—  
 Hope dies, and Passion burns no more.  
 I ask not death—I wait thy will—  
 I dare not touch my fleeting span:  
 But let me, oh! not linger still,  
 The slave of misery and pain!

Why sink my steps ! one struggle past,  
And all the rest is quiet gloom :  
Eyes, look your longest and your last,  
Then turn ye to your cell—and tomb.

Fly swift, ye hours !—The convent grate  
To me is opening Paradise :  
The keenest bitterness of fate  
Can last but—till its victim dies !

Of a different character is the following “*song*,”—beaming with joy and content.

When Zephyr comes fresh’ning the broad summer glare,  
And fans thee, and toys with thy bright raven hair ;  
When thy lips with a smile gently parting, reveal  
The pearls they repose on, but will not conceal ;  
When thy cheek and thy bosom have each its fresh rose,  
And the tide of thy joy in sweet melody flows :  
Be thus, I exclaim, ever simple and free,  
Rejoicing in nature, and nature in thee.

When the full rising moon, with its bright golden beam.  
Breaks faintly, and gleams on the slumbering stream ;  
When like gems in its lustre the tears fondly start,  
As the song of the nightingale steals to thy heart,  
And the charm to a gentle confession gives birth  
Of that love which is all I am proud of on earth :  
’Tis thus, I exclaim, thou art dearest to me,  
Enamour’d of nature, and nature of thee.

Although the experiment of *Stanley*, upon the affection of his betrothed, when the “*bridal hour was nigh*,” was at once cruel and senseless, yet it is prettily related; and this “*ordeal of the heart*” will be read with interest. It is true, the disguise of a lover in the garb of a *Pulmer*, is a trite and clumsy contrivance to deceive.

Fair beam’d the morn—the glowing wave  
Blush’d, as the orient god of light  
Forsook its breast, and ardent gave  
His smiles to earthly things more bright !

Sweet was the breath of opening May ;  
So blithe were birds on tree and thorn,  
As though they tuned their richest lay  
To grace the birth of the bridal morn.

And in her bower, expectant there,  
Stood Lilies, loving, lovely maid ;  
Sweet as the rose, though far more fair,  
And half in joy and half afraid

She waited for her lover, while  
Her heart with passion’s hope beat high ;  
Her blushing cheek, her timid smile,  
Told that the bridal hour was nigh !

But Stanley came not, though the tongue  
Of Time’s old herald, from the tower  
Of distant abbey, loudly rung  
The signal of the promised hour.



"Soon, oh how soon"—thus Liliás thought,  
"The truant to my arms will fly!"  
She turn'd, and in her mirror caught  
A glance—and blush'd, she knew not why.  
He came not yet—the maiden's eye  
Through flowering shrub and blossom'd spray  
Look'd anxious, while a gentle sigh  
Arose, to chide his long delay.  
He linger'd still—he linger'd longer—  
How drear the moments pass, how slow,  
With her whose doubt of man grows stronger,  
Who feels no faith in aught below!  
Hark!—'tis the wind that shakes the bough—  
Again—fair Liliás' listening ear  
Smarts with delight—it catches now  
The music of his footstep near!  
Oh! now in trembling hope she stood,  
Turn'd from the youth her lovely face,  
With frolic smile and playful mood,  
To teach the loiterer better grace!  
He spoke—'twas not the voice she knew,  
Rich as the mellow'd bugle's lay;  
She turn'd—and lo! before her view  
A palmer, in his robe of gray!  
"Palmer! what brings thee here?" she cried;  
"Lady! I seek thee in thy bower—  
Thou canst not be proud Stanley's bride;  
Man changes with the changing hour!  
"Lady! thy love is false!"—"Nay! nay!  
Good palmer! tell not this to me!  
Go, tell it to the heedless spray,  
And the wind that rocks the restless sea!  
"I heed thee not!—he *must* be true!  
So let thy cheerless stay be brief!  
*His* love is to my heart like dew  
That falls to glad the drooping leaf!  
"Palmer! farewell!"—"Stay, lady—see!  
He sends the pledge thy love once gave;  
He spurns the gift—renounces thee—  
Shall I tell it *now* to the restless wave?"  
She took the pledge, that jewel rare,  
Gazed on it long with tearful eye,  
Then threw it, with a scornful air,  
Down in the stream that murmur'd by.  
"Go, palmer, go!—but tell it not  
That Liliás shed one tear for him,  
Though thus estranged our earthly lot,  
May his be bright, though mine be dim!  
"And tell him not my heart is broken,  
And fled my fondest, brightest dream;  
Gone, like that first affection's token,  
Swept away by the passing stream!"

The palmer heard—he mutely stood,  
 While rush'd the blood o'er his cheek and brow;  
 Away! away with the cloak and hood,  
 And pilgrim staff!—no palmer now!  
 No palmer now, but Stanley there!  
 With heart that throb'd in joy he sprung,  
 And to her lips so sweetly fair  
 His own in living rapture clung!  
 “Forgive me, dearest! Oh! forgive,  
 That thus thy changeless heart I tried:  
 I loved, must love thee, while I live,  
 My light, my hope, my joy,—my bride!”

Thus far we have indulged the sombre strain; and catered for the bosom of sensibility. Those who prefer a more cheerful fare, will find it in the gay and animated story of the “*red nosed lieutenant*,” in which the calamities and changes of a soldier’s life are narrated with a spirit and simplicity that remind us of the manner of Goldsmith; and how can we be reminded of any thing better!

“*The Mother’s Grave*,” is written in a sweet tone of affection and piety. We give but three verses.

There sleeps our mother in the silent dust,  
 By all our sorrow, all our love unmoved;  
 Sleeps, till the solemn summons of the just  
 Bids her awake, to meet the God she loved.  
 I saw her fainting on her bed of pain;  
 I saw her like the leaves of autumn lie;  
 I saw her strive to smile, but strive in vain—  
 And then I—no, I dared not see her die!  
 Then came the bitter pageant of the grave—  
 The fearful hearse, the following, weeping crowd:  
 I saw—’twas but one look—the plumage wave,  
 And long’d to slumber with her in her shroud.

“*The Haunted Manor House*,” has no extraordinary merit to entitle it to the space it occupies. It differs little from many other tales of haunted castles and forged wills; and has no novelties, unless the introduction of an honest “*Latital*” may be so considered.

“*The Dream of Youth*,” is throughout a beautiful effusion of feeling and fancy; we give as much of it as we can spare room for.

Still was the air, and all the scene  
 Brought gladness to the gazing eye—  
 So sweet, so soothingly serene,  
 The smiling earth, and answering sky.  
 Those heavenly tones again I heard  
 That taught my youthful heart to melt;  
 And every look and whisper’d word  
 Recall’d what once my spirit felt:

The wild delight of circling ties—  
 The cloudless glow of open truth—  
 The thousand darling witcheries,  
 That gild th' enchanted years of youth !  
 All else was hush'd—thine eye with mine  
 Was fix'd on evening's courier star;  
 I turn'd, and oh that glance of thine  
 Was sure as bright, but warmer far!  
 It woke the dreams, which I have dream'd,  
 When own'd my soul young passion's birth ;  
 And being seem'd, as then it seem'd,  
 A span of sunshine spent on earth.  
 Our words were of those happier days,  
 To all except remembrance dead,  
 That now but tell reflection's gaze  
 How sweet they were—how swift they fled.  
 The spirit of my boyish years  
 Back to my heart rekindling came,  
 Ere Love's bright torch was quench'd by tears;  
 Or Pleasure proved an empty name.  
 I saw thee as I knew thee first,  
 When, flashing on my raptur'd mind,  
 The glory of thine image burst,  
 Like seraph mix'd with womankind:  
 Since first absorb'd in youthful flame  
 I craved a ringlet of thy hair,  
 Which through long years remains the same,  
 Beside a heart that feels despair.  
 I woke—alas! 'tis sad to wake,  
 When slumbers only proffer joy;  
 And manhood feels, with thoughts that ache,  
 How sweet 'twas once to be a boy!  
 Melted the Elysian scenes away,  
 As on my couch the clear moon shone ;  
 To muse and meditate I lay,  
 Dejected, silent, and alone.  
 I felt that sickening pensiveness,  
 That pleasure drugg'd with pain's alloy,  
 Which rules the bosom of distress,  
 When Retrospection pores on joy.

There is much liberality, as well as tenderness, in "*The Lover to his Faithless Mistress.*"—We offer a specimen.

When Life's enchanting dream was new,  
 Our feelings and pursuits the same,  
 Beneath the veil of Friendship grew,  
 In our young hearts, Love's warmer flame:  
 Together through Youth's path we trod,  
 With bosoms light, and spirits gay;  
 While Pleasure met us on our road,  
 And strew'd her flowrets o'er our way.

How soon those blissful days have changed!  
 A few brief circling years gone by;  
 In hearts, in hopes, in all estranged,  
 With changeless cheek, and unmoved eye,  
 And steadfast brow, and distant mien,  
 Without one rising sigh of pain,  
 Forgetful of each earlier scene,  
 We coldly meet—and part again!

Yes!—it is so—a few short years  
 Have heal'd this almost broken heart,  
 And chased away those bitter tears  
 That flow'd, when doom'd from thee to part:  
 And wherefore longer should they flow,  
 Since thou hast found another breast,  
 To share thy joy, to cheer thy woe,  
 And make thy life's young morning blest?

When in "the haunts of men" we meet,  
 Why should it be with scornful air?  
 Why should thine eyes from mine retreat,  
 As if a scorpion's met thee there?  
 Oh! better learn to know the heart  
 That once was deeply, wholly thine;  
 And, though LOVE's links are torn apart,  
 Let FRIENDSHIP's still around us twine.

In the "*Greek and the Turkman*," a very bold and animating sketch is given of a night attack by *Constantine* on the camp of *Mahomet*, at the siege of Constantinople. The approach of the assailants is well described in the following verse:—

There came a sound—'twas like the gush  
 When night-winds shake the rose's bush;  
 There came a sound—'twas like the flow  
 Of rivers swell'd with melting snow;  
 There came a sound—'twas like the tread  
 Of wolves along the valley's bed;  
 There came a sound—'twas like the roar  
 Of ocean on its winter shore.

From the pretty address to "*Night-blowing Flowers*," we select three stanzas; and two of their reply.

Call back your odours, lonely flowers,  
 From the night-wind call them back,  
 And fold your leaves till the laughing hours  
 Come forth on the sun-beam's track!

The lark lies couch'd in his grassy nest,  
 And the honey-bee is gone,  
 And all bright things are away to rest—  
 Why watch ye thus alone?

Is not your world a mournful one,  
 When your sisters close their eyes,  
 And your soft breath meets not a lingering tone  
 Of song in the starry skies;



Call it not wasted, the scent we lend  
 To the breeze when no step is nigh;  
 Oh! thus for ever the earth should send  
 Her grateful breath on high!  
 And love us as emblems, night's dewy flowers,  
 Of hopes unto sorrow given,  
 That spring through the gloom of the darkest hours,  
 Looking alone to Heaven!

Although it is not our intention to give any extracts from the "*Comet*," we cannot forbear to express the pleasure we derived from this interesting tale; in which is happily combined much pleasant vivacity with deep feeling. There is nothing affected or turgid in the style; and the reader is carried through the various incidents without effort or languor.

We think no apology will be needed for giving the whole of "*Il faut Partir*."

And is it so?—and must we sever?  
 Alas! 'twere vain our fate to shun:  
 The course of love ran smoothly never,  
 Since vows were breathed, or beauty won.  
 And is it so? and shall repining  
 O'ercloud the parting hour? Oh no!  
 Each breast its own fond griefs enshrining,  
 No sighs shall heave, no tear shall flow.  
 One soft farewell, one look revealing  
 Each silent thought, be ours alone:  
 No murmur'd vow, to Heaven appealing,  
 Shall shame the truth our bosoms own.  
 Apart in form, in souls uniting,  
 Slow-waning Time our truth shall prove;  
 Till gentle Hope, her beacon lighting,  
 Lure back the wandering bark of Love.

How delicate, how tender, how soothing is every thought and word! how sweetly they flow together, in kindred harmony and musical cadence!

We admire the play of imagination, and neatness of diction, as well as the good sense, of "*Garden Rhymes*," but are content with this reference to it.

The AMULET, although highly finished, is inferior to the "*Forget Me Not*," in its embellishments. Its "especial object" is declared to be, "to blend religious instruction with literary amusement;" and, consistently with this design, its tone is more serious than that of its rival. It does not shine as brilliantly with poetic gems; but has, nevertheless, many of distinguished merit and attraction. It contains a greater proportion of prose writing, generally well executed, fraught with useful, moral lessons. We shall present to our readers a few extracts from the poetical department, whose piety and purity,

good sense and poetical merit, will afford a fair specimen of the character of the volume:—

#### THE HOUR OF PRAYER.

Traveller, in the stranger's land,  
Far from thine own household band;  
Mourner, haunted by the tone  
Of a voice from this world gone;  
Captive, in whose narrow cell  
Sunshine hath not leave to dwell;  
Sailor, on the darkening sea;—  
Lift the heart and bend the knee!

Warrior, that from battle won,  
Breathest now at set of sun;  
Woman, o'er the lowly slain,  
Weeping on his burial-plain;  
Ye that triumph, ye that sigh,  
Kindred by one holy tie!  
Heaven's first star alike ye see—  
Lift the heart and bend the knee!

The intense feeling of Mrs. Opie's Tales, is known to every reader. The same spirit breathes in the "*Lament*," from her pen.

There *was* an eye whose partial glance  
Could ne'er my numerous failings see;  
There *was* an ear that still *untired*  
Could listen to kind praise of me.  
That eye is closed, and deaf that ear,  
That lip and voice are mute for ever!  
And cold that heart of faithful love,  
Which death alone from mine could sever!  
And lost to me that ardent mind,  
Which loved my varied tasks to see;  
And, Oh! of all the praise I gained,  
This was the dearest *far* to me!  
*Now* I, unloved, uncheered, alone,  
Life's dreary wilderness must tread,  
Till He who loves the broken heart  
In mercy bids me join the dead.  
But, "Father of the fatherless,"  
O! Thou that hear'st the orphan's cry,  
And "dwellest with the contrite heart,"  
As well as in "Thy place on high"—  
O Lord! though like a faded leaf,  
That's sever'd from its parent tree,  
I struggle down life's stormy tide,  
That awful tide which leads to Thee;—  
Still, Lord! to thee the voice of praise  
Shall spring triumphant from my breast;  
Since, though I tread a weary way,  
I trust that *he I mourn* is BLEST!

Our attention is arrested by the address "*To the Evening Star.*" The force with which, in certain dispositions of the soul, the contemplation of the never-changing brightness of the starry firmament, draws our reflections to the Being who formed it, and on to his brighter abode, has not escaped any man whose heart is not corrupted, and his understanding brutalized. To our mind, nothing more triumphantly overthrows all the pretensions of *Chance* in the formation of "this goodly frame," than to look steadfastly at the full-orb'd moon. Just *as* thou art now, and *where* thou art, so wast thou a thousand ages ago; unwasted in splendour; unchanged, even by an instant, in thy course, the same moment that brings thee to that spot now, brought thee there from the beginning, and will bring thee there for unknown ages to come. How sublime is this unvarying uniformity of motion; this immeasurable duration and identity of existence! Was this the work of what men, most unmeaningly, call chance? Could the fortuitous assemblage of floating atoms produce a body of such enduring and unerring constancy; whose every motion is governed by a power that never falters nor fails?

Star of evening, mild and bright,  
I love thy calm and holy ray;  
It seems so gently to invite  
My soul to heaven, and point the way:

Then holier feelings take their turn,  
The soul is silenced into prayer,  
The heart with quicker throb discerns  
The presence of its Maker there.

And with the flashings of thine eye  
Come bright revealings from above—  
From Him who hung thee in the sky,  
To light us to his throne of love.

More bright the lamp of day may be,  
Of ampler orb the queen of night;  
But thine are holier rays to me,  
And dearer than a world of light.

We would willingly transcribe the whole of "*The Shipwrecked*," if our space would allow. We shall make some extracts. The awful situation of the only survivor of the storm's fury; the variety of his terrors and depth of his despair, while clinging to a broken mast, tossed on the wild waters; are imagined and described in a fine spirit of poetry; particularly the incident of the dead body of one of his comrades floating to his side, and continuing there, as if unwilling to be forsaken by him. We also notice the new species of dismay, produced by the calm, which succeeded the storm. After all have perished but himself, the sufferer proceeds:—

The tempest, when the day was gone,  
 More fiercely with the night came on;  
 But, howling o'er the trackless sea,  
 Gave neither hope nor fear to me;  
 Despair had made me brave my fate,—  
 To die—thus lone and desolate.  
 I saw another morning sun,  
 But yet my struggles were not done:—  
 A passing billow wafted then  
 A comrade's body to my side,  
 Who lately, with his fellow-men,  
 Had bravely stemmed the dashing tide.  
 His calm cheek and half-open eye  
 Betokened that in agony  
 His spirit had not left him—he  
 Seemed as if slumbering on the sea.  
 I calmly gazed, and without dread,  
 Upon the dull eye of the dead;  
 But when his cold hand touch'd my cheek,  
 My voice came from me in a shriek:

At mine own voice I gazed around,  
 'Twas so unlike a human sound;  
 But on the waters none were near,  
 Save the corpse upon its watery bier,  
 And hungry birds that hovered nigh,  
 Screaming his sole funeral cry.

My sum of human pangs to fill,  
 There came a calm—more deathly still,  
 Because its sullen silence brought  
 A dull repose that wakened thought.

But oft the sea-bird o'er me flew,  
 And once it flapped me with its wing:  
 That I must be its prey I knew,  
 And smiled at my heart's shivering;  
 But yet I could not bear to see  
 Its yellow beak, or hear its cry  
 Telling me what I soon must be;—  
 I moaned, and wept, and feared to die.

Where'er I drifted with the tide,  
 My comrade's corpse was by my side.

At length exhausted, he falls into a sleep or swoon, and then awakes:—

Returning reason came at last,  
 And bade returning hope appear:  
 That remnant of the broken mast,  
 And my dead comrade—both were near;  
 Not floating o'er the billows now,  
 For they had drifted us to land—  
 And I was saved—I knew not how—  
 But felt that an Almighty hand  
 Had chased the waters from the strand.  
 Beside the corpse, and by the wave,  
 I knelt, and murmured praise to Him,  
 Who, in the fearful trial, gave  
 Strength to the spirit and the limb!



There is much more in this volume to instruct and amuse; but we are warned, by the number of our pages, that we must here part with it.

We shall introduce one more of these charming productions for the present year, published, also, in London, under the title of "*The Literary Souvenir*." It is highly distinguished, as well for its literary merit, as for the excellence of its workmanship in printing, engraving, and all its ornamental parts. It is a fair rival to the "Forget Me Not" in every respect; and, perhaps, in some of the plates, superior to it. We shall offer to our readers two specimens of its poetical effusions, without comment; their beauties are at once perceptible, and will be their best recommendation. The prose part of its contents may, also, be generally commended. The first article, entitled the *Contented Man*, from the pen of Washington Irving, is a fine sample of his best manner.

#### TO A DEAD EAGLE.

It is a desolate eve;  
Dim, cheerless is the scene my path around;  
Patters the rain; the breeze-stirred forests grieve;  
And wails the stream with melancholy sound:  
While, at my feet, behold,  
With vigorous talons clenched, and bright eye shut,  
With proud curved beak, and wiry plumage bold,  
Thou liest, dead eagle of the desert, but  
Preserving yet in look thy tameless mood,  
As if, though stilled by death, thy heart were unsubdued.

How cam'st thou to thy death?  
Did lapsing years o'ercome, and leave thee weak,—  
Or whirlwinds, on thy heaven descending path,  
Dash thee against the precipice's peak?—  
'Mid rack and floating cloud  
Did scythe-winged lightning flash athwart thy brain,  
And drive thee, from thine elevation proud,  
Down whirling lifeless to the dim-seen plain?—  
I know not—may not guess; but here, alone,  
Lifeless thou liest outstretched beside the desert stone.

A proud life hath been thine:  
High on the herbless rock thou 'wok'st to birth,  
And, gazing down, saw far beneath thee shine,  
Outstretched, horizon-girt, the maplike earth.  
What rapture must have gushed  
Warm round thy heart, when first thy wings essayed,  
Adventurously, their heavenward flight, and rushed  
Up towards day's blazing eye-star undismayed,—  
Above thee space's vacancy unfurled,  
And, far receded down, the dim material world!

How fast—how far—how long  
Thine had it been from rack-veiled eyrie high  
To swoop, and still the woodlark's lyric song,  
The leveret's gambols, and the lambkin's cry?

The terror-stricken dove  
 Cowered down amid the oakwood's central shade;  
 While ferny glens below, and cliffs above,  
 To thy fierce shriek responsive echo made,  
 Carrying the wild alarm from vale to vale,  
 That thou, the forest king, wert out upon the gale!

When downward glens were dark,  
 And o'er moist earth glowed morning's rosy star,  
 High o'er the scarce-tinged clouds 'twas thine to mark  
 The orient chariot of the sun afar:  
 And, oh! how grand to soar  
 Beneath the full moon, on strong pinion driven;  
 To pierce the regions of grey cloudland o'er,  
 And drift amid the star-isled seas of heaven!  
 Even like a courier sent from earth to hold  
 With space-dissevered worlds unawed communion bold.

Dead king-bird of the waste!  
 And is thy curbless span of freedom o'er?  
 No more shall thine ascending form be traced?  
 And shall the hunter of the hills no more  
 Hark to thy regal cry?  
 While 'spiring o'er the stream-girt vales, thy form,  
 Lessening, commingles with the azure sky,  
 Glimpsed 'mid the masses of the gathering storm,  
 As if it were thy proud resolve to see  
 Betwixt thee and dim earth the zig-zag lightnings flee!

A child of freedom thou,—  
 Thy birthright the tall cliff and sky beyond:  
 Thy feet were fetterless; thy fearless brow  
 Ne'er, quailing, tyrant man's dominion owned.  
 But Nature's general law  
 The slave and freeman must alike obey:  
 Pride reels; and Power, that kept a world in awe,  
 The dreadful summons hears,—and where are they?—  
 Vanished like night-dreams from the sleeper's mind,  
 Dusk 'mid dissolving day, or thunder on the wind!

#### BUCKFASTLEIGH ABBEY.

Sweet pastoral vale!—When hope was young,  
 And life looked green and bright as thou,  
 Ere this world's toils or cares had flung  
 A shade of sadness on my brow,—  
 A loiterer in thy sylvan bowers,  
 I whiled away uncounted hours,  
 And, by thine own sequestered Dart,  
 Poured forth, in song, by burning heart!  
 Wild river! as it lapsed along  
 In glory on its winding way,  
 Like Youth's first hopes, rejoicing, strong,  
 And full of Heaven's own hues as they,—  
 I little thought that storms would fling  
 Their shadows o'er so bright a thing;  
 Or that *my* course would ever be  
 Less calm than then it seemed to me.

I came when wintry winds were high,  
And storms were brooding in the air;  
Thy river rushed in fierceness by,  
Thy skies were dim, thy trees were bare;  
And that lone ruin, erst that rose  
An emblem of thy charmed repose,  
Now, struggling with the fitful blast,  
Frowned like the spectre of the Past.

A change was on my aching heart,  
As dark as that I kened in thee;  
Thoughts, like thy waves, impetuous Dart,  
Thronged o'er my soul tumultuously,  
As gazing on that altered scene,  
I turned to what we both had been!—  
Thy charms are lovelier than of yore,  
When will *my* storms of life be o'er?

And thou art now a fairy dream,  
To stir the source of sweetest tears;  
That sun-touched fane, and sparkling stream,  
My beacon-lights to other years.  
Oh might my toil-worn spirit close  
Its weary pinions in repose,  
I would not ask more perfect bliss  
Than such a paradise as this!

We have already noticed the usefulness of these annual offerings, in the encouragement and employment they give to modest and meritorious authors, and to ingenious and skilful artists. We do not pretend to exactness in our calculation, but believe we may safely affirm, that such a work as the "*Forget Me Not*," must have distributed, among men of genius and taste, many thousand dollars; and so of the "*Literary Souvenir*;" the "*Amulet*;" and "*Friendship's Offering*;" all of the same character. The spirit of enterprise and emulation which animates our own publishers, has not failed to exert itself on this subject; and while we do not affirm that their productions are quite equal to those of London, we do not hesitate to say, they are respectable imitations, and press close on the footsteps of their prototypes. "*The Memorial*," published at Boston, in its paper, typography, and literary matter, both poetry and prose, is entitled to high commendation. Its material deficiency is in the engravings; which are but few and in general coarsely executed. Of the "*Atlantic Souvenir*," we forbear to say more than strict justice demands. It has been prepared with the freest liberality of expenditure, and is fully worthy of its cost. The plates are the works of our best artists at their best prices; the paper and printing excellent, and the text all original, full of interest

and variety. The patronage it has received from the public is the most gratifying evidence of its superior desert.

We pray the pardon of our readers for concluding this article with a few paragraphs upon the subject of *New Year's Gifts*.

There is something exceedingly joyous and grateful to a kind and social spirit in this annual interchange of gifts and gratulations. For a few hours, at least, we throw aside the calculations of selfishness, and take delight in the pleasure we can bestow on others. Relations, friends, servants, all partake of this bounty of the New Year. In many parts of Europe, it is a day of active business in the purchase and distribution of presents of compliment; and all who furnish appropriate articles for the occasion, reap an abundant harvest. The toyman; the confectioner; the jeweller; the bookseller; and, indeed, every vender of elegant trifles, find employment and profit, when the heart and the purse are opened; and men appear to cherish no feeling but liberality and good will to each other. In this country, the same spirit prevails in a degree; and the children, at least, look with the fondest anticipations to the coming of Christmas and the New Year.

We are not acquainted with the people or the period to which we are indebted for this custom. It is certainly of high antiquity; and has a general prevalence in Europe. In the French "*Dictionnaire de la Fable*," edited by *Noël*, a man of great distinction in literature, we have an account of a Roman goddess, *Strenia*, who presided over the presents made on the first day of the year, which were called *Strenæ*; and, he adds, sacrifices were made to her on that day. If this author is to be understood, and such we think is his meaning, to say that in the Roman Mythology there was a goddess specially to preside over the gifts of the New Year, we believe he has fallen into an error; he would have been more correct in saying that the honours of the New Year, and of superintending the presents then bestowed, were conferred on the goddess *Strenia*, or *Strenua*, not as one of her original attributes or offices; for she was the deity of the brave; of courage; activity; vigilance, and strength; having nothing to do with the New Year, its customs, presents or ceremonies; but because a simple plant was, at first, the New-Year's Gift, or offering, from friend to friend, and from all to the emperor; and that plant was taken from a grove consecrated to her.

We will, without, we hope, labouring the matter too much, advert to some authorities on this question. *Grævius*, in his



learned and ponderous *Thesaurus*, gives nearly eighty folio pages to the history of *Strenæ*; stating that the name *Strena*, was derived from the goddess *Strenua*, or *Strenia*, (speaking of them as the same,) that is, the goddess of strength, courage, &c.—And why derived from her? Not because she was the goddess of these gifts, or was specially charged with presiding over them, but because the plant *Vervain*, of which the presents originally consisted, was collected in her grove; and because these gifts were thought particularly to be due to the brave—*strenuis*.

We presume that the name *Strena* was derived from this goddess; although even this point is not clear of some contradictory evidence.—Dr. Rees introduces another derivation—he says, “The ancient lawyers derive the word hence, that these presents were only given “*viris strenuis*,” and proceeds, “Symmachus adds, that the use of them was first introduced by king *Tatius*, *Romulus*’s colleague, who received branches of vervain, gathered in the sacred grove of the goddess *Strenua*, as a happy presage of the beginning of the year.—Anciently, a pound of gold was given to the emperor every new year’s day, by way of *Strena*.—Du Cange observes that *strina* or *strinna*, denoted a kind of tribute which the people of Dalmatia or Croatia, paid to the Venetians, or to the kings of Hungary, whom they obeyed voluntarily.”

It is agreed that the custom of making gifts, on the New Year’s day, was introduced into Rome by *Tatius*, king of the Sabines, and the colleague in power of *Romulus*; to whom presents were offered on that day by the people, of the plant called *vervain*, gathered in the wood consecrated to *Strenua*, the goddess of strength, activity, vigilance, and courage; and it is from this deity the gifts received the name of *Strenæ*.—The Romans made presents of this plant to their friends, on the same day. After some time, instead of this simple and unostentatious plant, the original *Strena*, gifts of gold, silver, jewels, and other valuable articles, were made to the emperor on the first day of the year; and *Augustus* received them from the senators, and other rich and great men, to a great amount and value.—The devices by which the powerful contrive to get their hands into the pockets of their inferiors, are very expansive and contagious; and, accordingly, we find that the proudest of the English monarchs did not disdain to furnish their wardrobes and jewelry with these annual gifts or contributions, which could hardly be called voluntary; nor to receive them from all classes of their subjects; from peers, bishops, cooks, cutlers, and dustmen.

We think Brady is inaccurate in saying, "the Romans who settled in Britain, soon spread this custom (of New-Year's gifts) among our forefathers"—It prevailed in Britain, when the Romans conquered it, and long before; and was, more probably, brought there by the first inhabitants, the Gauls. The Druids, both of Gaul and Britain, put an infinite value on the plant, *Misseltoe*; and connected it with many of their superstitious ceremonies; gathering it at a particular season, (in December) with processions and vast parade, singing hymns and songs in honour of their deities; making sacrifices and putting up prayers to their gods, to make this plant the means of communicating prosperity to those who should partake of it. On the first day of the year, after having blessed and consecrated it, the Druids distributed the misseltoe to the people, *promising and wishing them a happy Year*. We may infer that the custom of making presents on the New Year had its origin in this practice of the Druids; for in Burgundy, and other provinces in France, the children, when asking their New-Years gift, use the cry, "*the New Year to Misseltoe*"—Whether we should look still farther into past times for this custom, or fix its origin with these mysterious ministers of a barbarous and terrible superstition, we cannot say.

The similarity in so many striking particulars between the custom of the Romans and that of the Druids, is very curious and surprising; and the archæologist might find an inquiry into it, an interesting employment. We are informed, that it was first known in Rome, in the reign of Tatius; but do not know whether it was invented at that time, or was brought there by the Sabine people. But how does it so accord with the ceremonies of the Druids? We can hardly forbear to refer them to some common origin, although we find no other coincidence in the habits and manners of the Romans and Britons, when Cæsar brought them together. With both nations, these presents were offered on the first day of the year; they consisted of plants, of a different kind it is true; they were collected in a sacred grove or wood; they were considered as a promise of prosperity in the ensuing year; and were accompanied by a declaration or wish to that effect. It was a religious ceremony with both; so far as related to the place and manner of collecting the plant, and its supposed influence. Has all this happened by the mere workings of chance? Or is there some common feeling or principle in mankind directing it? That good wishes, and even gifts should be interchanged on the commencement of a year, is not so extraordinary; but the similarity of the gifts, and in the ceremonies on obtaining and offering them, is not so easily ac-

counted for. The history of the inhabitants of this earth, is full of deep mystery and unknown truth. Nations now separated by untrodden distances, and still more by their condition and habits, may once have been one people; and those who now dwell in the same land, may have been brought together by a course of events and changes, of which not a glimpse remains. How, and when, and where, the tide of population and civilization has flowed and ebbed on this "pendent world," philosophy has not "dream'd of;" nor how its people have been cast and scattered over its surface. Men may amuse themselves with theories and speculations on the outside and inside of the earth; but universal ignorance of it remains; and will probably continue to the end.

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Notwithstanding the care with which the proof sheets were revised, some typographical errors have escaped,—such as (p. 92), Capiodorus for Cassidorus; Cæsaria for Cæsarea, Aousta for Aosta, Müncheng for München; (p. 104), Geoffrey for Geoffroy; (p. 113), interrerit for intererit; (p. 150), Yasores for *Yasous*, now Yazoo. In the extracts from Sir Walter Scott's work, three or four blunders in French, (*Gardes de corps*, *Dames aux Halles*, &c.) have been copied, as his own, from the English edition. In the article on *Almack's*, *Madoiselle des Modes* has been suffered to remain, since the reviewer, probably, did not mean that it should be received as absolutely good French, or the true phrase. A few more instances of misprint in the foreign words and proper names might be cited, but they are of no consequence. General accuracy, however, in this respect, is deemed important.

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